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CLERK, U.S. DISTRICT COURT **1** 6 2016 CENTRAL DISTRICT OF CALIFORNIA

[PROPOSED] ORDER COMPELLING APPLE, INC. TO ASSIST AGENTS IN SEARCH

IN THE MATTER OF THE SEARCH OF AN APPLE IPHONE SEIZED DURING THE EXECUTION OF A SEARCH WARRANT ON A BLACK LEXUS IS300, CALIFORNIA LICENSE PLATE 35KGD203

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This matter is before the Court pursuant to an application pursuant to the All Writs Act, 28 U.S.C. § 1651, by Assistant United States Attorneys Tracy Wilkison and Allen Chiu, requesting an order directing Apple Inc. ("Apple") to assist law enforcement agents in enabling the search of a digital device seized in the course of a previously issued search warrant in this matter.

For good cause shown, IT IS HEREBY ORDERED that:

Apple shall assist in enabling the search of a cellular 1. telephone, Apple make: iPhone 5C, Model: A1532, P/N:MGFG2LL/A, S/N:FFMNQ3MTG2DJ, IMEI:358820052301412, on the Verizon Network, (the "SUBJECT DEVICE") pursuant to a warrant of this Court by providing reasonable technical assistance to assist law enforcement agents in obtaining access to the data on the SUBJECT DEVICE.

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- 2. Apple's reasonable technical assistance shall accomplish the following three important functions: (1) it will bypass or disable the auto-erase function whether or not it has been enabled; (2) it will enable the FBI to submit passcodes to the SUBJECT DEVICE for testing electronically via the physical device port, Bluetooth, Wi-Fi, or other protocol available on the SUBJECT DEVICE; and (3) it will ensure that when the FBI submits passcodes to the SUBJECT DEVICE, software running on the device will not purposefully introduce any additional delay between passcode attempts beyond what is incurred by Apple hardware.
- Apple's reasonable technical assistance may include, but is 3. not limited to: providing the FBI with a signed iPhone Software file, recovery bundle, or other Software Image File ("SIF") that can be loaded onto the SUBJECT DEVICE. The SIF will load and run from Random Access Memory ("RAM") and will not modify the iOS on the actual phone, the user data partition or system partition on the device's flash memory. The SIF will be coded by Apple with a unique identifier of the phone so that the SIF would only load and execute on the SUBJECT DEVICE. The SIF will be loaded via Device Firmware Upgrade ("DFU") mode, recovery mode, or other applicable mode available to the FBI. Once active on the SUBJECT DEVICE, the SIF will accomplish the three functions specified in paragraph 2. SIF will be loaded on the SUBJECT DEVICE at either a government facility, or alternatively, at an Apple facility; if the latter, Apple shall provide the government with remote access to the SUBJECT

DEVICE through a computer allowing the government to conduct passcode recovery analysis.

- 4. If Apple determines that it can achieve the three functions stated above in paragraph 2, as well as the functionality set forth in paragraph 3, using an alternate technological means from that recommended by the government, and the government concurs, Apple may comply with this Order in that way.
- 5. Apple shall advise the government of the reasonable cost of providing this service.
- 6. Although Apple shall make reasonable efforts to maintain the integrity of data on the SUBJECT DEVICE, Apple shall not be required to maintain copies of any user data as a result of the assistance ordered herein. All evidence preservation shall remain the responsibility of law enforcement agents.
- 7. To the extent that Apple believes that compliance with this Order would be unreasonably burdensome, it may make an application to this Court for relief within five business days of receipt of the Order.

FEB 1 6 2016

UNITED STATES MAGISTRATE JUDGE

SHERI PYM

DATED: