

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	Magistrate No
	:	
v.	:	<u>UNDER SEAL</u>
	:	
JAMES F. HITSELBERGER,	:	
	:	
Defendant.	:	

MOTION TO SEAL

The United States of America, through its undersigned attorneys, moves for an order sealing the complaint, bench warrant, and court file in this matter. The above defendant has been charged with the unlawful retention of classified information in violation of 18 U.S.C. § 793(e). As set forth in the affidavit supporting the criminal complaint, the defendant, a contract linguist, was caught with classified materials he had removed from a secure facility at the Naval Support Activity - Bahrain on April 11, 2012. As a result of that incident, his employer ordered him to return to the United States from Bahrain. While transiting through Germany, the defendant intentionally missed his connection and has remained in Europe ever since. Although he was scheduled to return to the United States on August 6, 2012, he again failed to make his flight and is still in Europe. Accordingly, if the complaint and other records in this matter become public, they could cause the defendant to further prolong his absence from the United States. It is therefore appropriate to seal the complaint, the bench warrant, and the court file in this matter. See Washington Post v. Robinson, 935 F.2d 282, 289, f.n.10 (D.C. Cir. 1991). However, the proposed sealing order permits the United States to share the complaint and bench warrant with any law enforcement officials in the United States or in any other third country that can aid the

government in obtaining custody of a defendant.

For the foregoing reasons, the Court should grant the government's motion to seal.

Respectfully submitted

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