

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-15893-RR

JONATHAN CORBETT,

Petitioner,

versus

TRANSPORTATION SECURITY ADMINISTRATION,

Respondent.

On Petition for Review of a Decision of the
Transportation Security Administration

ORDER:

Before the Court are Petitioner's "Motion for Clarification" and "Cross-Motion to Unseal" and Respondent's "Motion to Compel" and "Motion to File Brief for Respondent Ex Parte and Under Seal."

We have concluded that it is better to ultimately resolve the issues raised by these motions after the parties have filed their briefs and the Court has had an opportunity to review the record. At that time, we will be better able to weigh the interests involved in this matter.

I.

In the meantime, in order to limit any further and/or wider dissemination of the information in the "For Official Use Only" ("FOUO") documents provided to Petitioner during this litigation, we GRANT IN PART and DENY IN PART Petitioner's Motion for Clarification. We GRANT the motion only to the extent that we clarify that, pending further order of the Court, Petitioner is to refrain from disclosing, publishing, or disseminating the contents of the FOUO documents to the public, regardless of whether the information has already been made

available to the public through the disclosure of Petitioner's initial brief. To the extent Petitioner seeks additional relief, his Motion for Clarification is DENIED.

II.

The Government's Motion to Compel is GRANTED, IN PART, to the extent we direct the following:

(1) Pending further order of the Court, Petitioner is directed to remove from his blog site any FOUO information or information derived from FOUO documents provided to him during this litigation, including the quotation to the second sentence in the second full paragraph on page 27 of his initial brief;

(2) Respondent's version of Petitioner's redacted, initial brief shall be uploaded for public use, and *Respondent* is directed to file with the Court the requisite number of copies of that brief within fourteen (14) days of the date of this order;

(3) Pending further order of the Court, Petitioner is directed to not publish or publicly disclose any of the information in the FOUO documents that have been provided to Petitioner¹; and

(4) Petitioner is directed to file both the redacted and unredacted versions of his reply brief under seal within fourteen (14) days of the date of this order. Both versions of the reply brief shall remain under seal for twenty-one (21) days to give Respondent the opportunity to review Petitioner's redacted brief and, if necessary, file a motion to seek further redactions.

The Court will resolve any disputes regarding the proper redaction of Petitioner's brief.

¹ To the extent Petitioner objects to any request to prohibit him "from 'linking' his blog visitors to a news site that discusses his case and the leaked documents, without ever himself discussing the contents of the leaked document," Respondent has not specifically requested that we implement such a restriction and we decline to do so at this time.

III.

Petitioner's "Cross-Motion to Unseal" is DENIED.

IV.

Respondent's Motion to File Brief for Respondent Ex Parte and Under Seal is GRANTED. Respondent is directed to file the requisite number of copies of the three different versions of its brief: (1) a version that will be filed ex parte and under seal; (2) a version that will be filed under seal and made available to Petitioner; and (3) a public use version.

JOHN LEY
Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION