

FILED
AUG 17 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
 v.)
)
)
 I. LEWIS LIBBY,)
 also known as "Scooter Libby")

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

CR. NO 05-394(RBW)

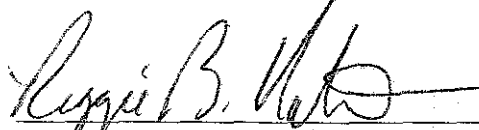
PROTECTIVE ORDER

This matter came before the Court by way of the government's second *ex parte, in camera*, motion for a protective order pursuant to Section 4 of the Classified Information Procedures Act (CIPA), 18 U.S.C. App. 3, and Rule 16(d)(1) of the Federal Rules of Criminal Procedure. In that motion, the government requested the Court to find that certain discrete items of classified information were not discoverable and that the government need not disclose them to defendant. Having carefully reviewed the government's request, including a supporting declaration from the intelligence community filed *ex parte, in camera*, with the government's motion, the Court finds that these materials are not exculpatory within the meaning of *Brady*, or discoverable pursuant to *Giglio* or under Rule 16 Federal Rules of Criminal Procedure. Additionally, the Court finds that the motion and supporting materials were properly submitted by the government, and considered by the court, on an *ex parte* basis. The court also finds that the documents and information at issue are extremely sensitive and their disclosure could cause serious if not grave damage to the national security of the United States.

Accordingly, IT IS HEREBY ORDERED THAT:

The government may withhold from the defendant in discovery the specific documents and information subject to this motion.

August 16, 2006



Reggie B. Walton
United States District Judge