IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MUHAMMAD NAUMAN IMAM, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:26-mc-25 (LMB/IDD)
	)	
MARKWAYNE MULLIN, et al.,	)	
	)	
Defendant.	)	

ORDER

Pursuant to this Court's Order dated October 27, 2026, defendants have filed the ex parte and under seal Declaration of Matthew Saurez, U.S. Customs and Border Protection ("CBP") Assistant Director (Intelligence) of Field Operations for the Baltimore Field Office, to explain why three other declarations they have filed in this matter contain significant redactions. See [Dkt. Nos. 18 and 31]. Specifically, the Court found that the declarations of Caige McCabe and Ashlie Fisch, Digital Forensic Analysts for DHS and CBP, respectively, [Dkt. Nos. 10-2, 10-3], did not contain any law enforcement privileged information and that the declaration of Lauren Colgan, a CBP Assistant Port Director, contained only three sentences that should be redacted for privilege. The Suarez Declaration maintains that all of the redacted material, except for five phrases and one full sentence, constitute law enforcement sensitive information that, if published, would "allow those who may be associated with illicit activity to take steps to avoid detection or limit information available to law enforcement in the event of an encounter." [Dkt. No. 31] at ¶ 10. The Court disagrees.

Nearly all of the information the defendants claim is privileged concerns what CBP does when it seizes electronic devices, which the government has routinely disclosed on the public

record in other cases. For example, in United States v. Belmonte Cardozo, the United States explained in detail what a forensic analyst did to the defendant's iPhones after it seized them at Dulles Airport—

> Once at the lab, CFA Hall conducted a forensic search of the iPhones. He connected the iPhones to Graykey—a specialized forensic tool designed to extract the full contents of electronic devices, including deleted data—and performed a full file system level extraction, which pulled the file system data from each device. This extraction pulls data from allocated and unallocated space, which is not observable in a manual review of a cell phone. The forensic extractions of the two iPhones were completed on May 9, 2024, the day after the defendant was arrested at Dulles. Once he extracted the data, CFA Hall processed the raw (i.e., unreadable) data in Axiom, a forensic tool commonly used by law enforcement to process raw data into a readable format. Once in Axiom, CFA Hall reviewed the iPhones' media files and other forensic artifacts, including, for example, recently deleted files, files in unallocated space, connected devices, Wi-Fi history, web history, location data, and keychains.

United States v. Belmonte Cardozo, No. 1:24-cr-125 (LMB) [Dkt. No. 32] at 6. This is much more revealing than the information the defendants are seeking to keep under seal in this matter. That the government has equipment they use to attempt to access and copy the data contained on cellphones and laptops should be of no great surprise to anyone, much less to those who may have something to hide. Accordingly, what the government did to the plaintiffs' devices cannot qualify as law enforcement privileged information and, in any event, the government has waived such privilege by disclosing the same kind of information in other cases.

The Court maintains that the privileged information consists of the first two sentences of paragraph 4 and the fourth sentence of paragraph 8 of the Colgan Declaration. Additionally, the Court finds, for the reason stated in the Saurez Declaration, that the fifth sentence of paragraph 8 of the Colgan Declaration is also privileged. As to the remainder of the redacted information, it is hereby

ORDERED that by Tuesday, November 17, 2026, by 5:00 p.m., the defendants SHOW CAUSE why, except for the specific sentences in the Colgan Declaration that are identified above, the redacted information in the Declarations should not be immediately disclosed on the public record.

The Clerk is directed to forward a copy of this Order to counsel of record.

Entered this 10th day of November, 2026.

Alexandria, Virginia

/s/
Leonie M. Brinkema
United States District Judge