IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	**8:13CR105**
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
TIMOTHY DE FOGGI,	)	
	)	
Defendant.	)	

This matter is before the court pursuant to the order of June 18, 2014, concerning disclosure of information pursuant to the Classified Information Procedures Act (CIPA), 18 U.S.C. App 3. In a letter, dated June 25, 2014, counsel for Timothy DeFoggi (DeFoggi) listed various information which he believed would implicate CIPA. The information was various programs he participated in his employment which were related to the TOR network which was involved in DeFoggi's alleged access to child pornography. The government responded in a letter, dated July 3, 2014, which disputed the relevance of the programs cited by DeFoggi. Whether or not DeFoggi utilized various classified programs when accessing the TOR network does not appear be relevant to DeFoggi's alleged access of the TOR network to access child pornography. Accordingly, the court will take no action on DeFoggi's Notice of Intent to Introduce Classified Materials at Trial (Filing No. 156 - Sealed). The government may file a motion in limine to preclude such information and should be prepared to inform the court whether such limited information has a classified designation.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that DeFoggi shall disclose to the government the information required by Fed. R. Crim. P. 16(b)(1)(C) **on or before July 25, 2014.**

DATED this 22nd day of July, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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