

FILED

6-20-08
JUN 20 2008 TC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA)

v.)

JESUS GONZALEZ)

No. **08CR 487**

Honorable Arlander Keys

MOTION TO SEAL CRIMINAL COMPLAINT

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, moves to seal the contents of the criminal complaint and other documents in the above-captioned case. In support of this motion, the government states as follows:

1. The criminal complaint in this case charges the defendant with the offense of knowingly and intentionally possessing with intent to distribute a mixture and substance containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1). The U.S. Drug Enforcement Administration ("DEA") seized, among other items, approximately 4 kilograms of cocaine, a cocaine press used to package cocaine, U.S. currency, and a loaded handgun. The items DEA seized indicate that the defendant may be working with other individuals to distribute cocaine from his residence.

2. If the filing of the criminal complaint became a matter of public record prior to the execution of the arrest warrant the investigation and prosecution of the defendant may be jeopardized. Additionally, any other individuals working with the defendant to distribute narcotics might flee the jurisdiction, destroy or move controlled substances or

evidence, prepare for violent confrontation with the arresting officers or otherwise generally take steps to thwart or interfere with the government's investigation.


3. This Court has authority to seal these materials under appropriate circumstances. See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978); *In Re Sealed Affidavit(s) to Search Warrants*, 600 F.2d 1256 (9th Cir. 1979); *In Re September 1971 Grand Jury*, 454 F.2d 580 (7th Cir. 1971), *rev'd on other grounds*; *United States v. Webbe*, 791 F.2d 103, 106 (8th Cir. 1986).

WHEREFORE, the United States respectfully requests this Court to enter an order placing the criminal complaint and other documents in the above-captioned case under seal until further order of this Court. Notwithstanding the foregoing, the government respectfully requests that it be permitted to disclose the Complaint, Affidavit, and Arrest Warrant in order to facilitate the location, apprehension, or return of Jesus Gonzalez to the Northern District of Illinois.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:


ANTHONY P. GARCIA
Assistant United States Attorney
219 S. Dearborn Street, 5th Floor
Chicago, Illinois 60604
Phone: (312) 469-6151
Fax: (312) 353-4324