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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Abdul Malik Abdul Kareem, aka Decarus
Thomas,

Defendant.

No. CR-15-707-PHX-SRB (MHB)

**[PROPOSED] ORDER ON NEWS
ORGANIZATIONS’ APPLICATION
TO INTERVENE FOR THE LIMITED
PURPOSE OF MOVING TO UNSEAL
DOCUMENTS RELATED TO
PRETRIAL RELEASE
PROCEEDINGS**

Having reviewed the Application of KPNX-TV Channel 12, a division of Multimedia Holdings Corporation (“KPNX”); Scripps Media, Inc. dba KNXV-TV (“KNXV”); Phoenix Newspapers, Inc. (“PNI”); and KPHO Broadcasting Corporation (“KPHO”) (collectively, the “News Organizations”) Application for Leave to Intervene for the Limited Purpose of Moving to Unseal Documents Related to Pretrial Release Proceedings (“Application”),

IT IS ORDERED as follows:

1. The News Organizations are permitted to intervene in this matter for the limited purposes described in the Application.
2. Within five (5) court days from the date of this Order, the United States and the Defendant each shall (a) review all documents that they *previously* filed under seal in

1 this case, (b) file a motion to maintain under seal any of those documents for which they
2 believe that continued sealing can be justified under the First Amendment and common
3 law, and (c) submit for the Court's *in-camera* review any previously filed documents or
4 portions thereof that either party believes should remain under seal.

5 3. If a document now under seal is not the subject of a timely closure motion,
6 the document will be unsealed immediately, unless the Court, *sua sponte*, decides to
7 conduct a hearing with respect to that document as required by *United States v. Brooklier*,
8 685 F.2d 1162, 1168-69 (9th Cir. 1982), *Associated Press v. Dist. Ct.*, 705 F.2d 1143,
9 1147 (9th Cir. 1983), and *Phoenix Newspapers, Inc. v. Dist. Ct.*, 156 F.3d 940, 949 (9th
10 Cir. 1998) (a "*Brooklier* hearing").

11 4. If a document now under seal is the subject of a timely closure motion, and
12 if the Court is inclined to permit the ongoing the sealing of the document, the Court will
13 afford notice to the public and the press, and schedule a prompt *Brooklier* hearing if any
14 objections to sealing are submitted.

15 5. The Clerk of the Court shall (a) publicly identify any documents that have
16 been or will be filed under seal in this case by entering, on the Court's open, public
17 docket index, the docket number, filing date, filing party and a general description of the
18 nature of each sealed document, and (b) unseal in their entirety the docket entries that
19 pertain to any documents that were previously filed under seal but that become unsealed
20 as a result of this Order.

21 DATED this _____ day of _____, 2015.
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