

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

v.

Case # 1:19-cv-00370-EAW

JEFFREY SEARLS, in his official capacity
as Acting Assistant Field Office Director and
Administrator, Buffalo Federal Detention
Center,

Respondent.

DECLARATION

Pursuant to 28 U.S.C. § 1746, I, ANTHONY D. BIANCO, hereby declare and state as follows:

1. I am a Senior Counsel for National Security in the District Court Section, Office of Immigration Litigation, Civil Division, U.S. Department of Justice, and counsel for the Respondent in the above-captioned action. As such, I am familiar with the facts, background, and circumstance of this action.

2. On March 16, 2020, Respondent filed a Motion to Enforce the Protective Order and Order Pursuant to Federal Rule of Evidence 502(d) (“Motion to Enforce”). This Motion to Enforce is based on information obtained by multiple witnesses that Petitioner has disclosed confidential and privileged information subject to the Protective Order and Order Pursuant to Federal Rule of Evidence 502(d) to persons not authorized and that Petitioner has failed to take efforts required under the Protective Order and Order Pursuant to Federal Rule of Evidence 502(d) to prevent further unauthorized disclosures, notify Respondent the identities of persons to

whom unauthorized disclosures were made, and refrain from using the information for any purpose.

3. Specifically, the Motion to Enforce concerns Petitioner's disclosure of confidential information produced during discovery, specifically, an informant's identity, to unauthorized persons that if publically disclosed could reasonably be expected to endanger the life or physical safety of the sources. Moreover, the Motion to Enforce itself relies on the testimony of informants that if publically disclosed could also be reasonably expected to endanger the life or physical safety of the sources.

4. I submit this declaration in support of Respondent's request to seal the Memorandum in Support of Respondent's Motion to Enforce and the exhibits submitted in the motion's support—including declarations from or describing statements by informants. *See Lugsch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (“[D]ocuments may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve high value and is narrowly tailored to serve that interest.”).

5. “[T]he danger of impairing law enforcement” is among the important interests that weigh in favor limiting access to a document. *See id.* That interest is specifically implicated here when the Motion to Enforce and exhibits contain sensitive, confidential, non-public, law enforcement information, including persons providing statements under assurance of confidentiality. *See United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995) (“Officials with law enforcement responsibilities may be heavily reliant upon the voluntary cooperation of persons who may want or need confidentiality”).

6. WHEREFORE, Respondent respectfully requests an Order permitting Respondent to file the Memorandum in Support of Respondent's Motion to Enforce and the exhibits submitted in the motion's support under seal.

Dated: March 16, 2020

Respectfully submitted,

/s/ Anthony D. Bianco

ANTHONY D. BIANCO

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