



ELECTRONIC FRONTIER FOUNDATION
Protecting Rights and Promoting Freedom on the Electronic Frontier

May 9, 2012

The Honorable James Ware
Chief Judge, United States District Court
Northern District of California
Courtroom 9 - 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: District Judge Assignment Request
Jewel v. National Security Agency, No. 08-cv-04373 VRW

Dear Chief Judge Ware:

We represent the plaintiffs in *Jewel, et al. v. National Security Agency et al.*, Case No. 08-cv-04373-VRW. In this action, plaintiffs have sued a number of government agencies and current and former government officials regarding the government's program of warrantless dragnet domestic electronic surveillance. The case was assigned to then-Chief Judge Walker, who dismissed it for lack of standing. Plaintiffs appealed, and the Ninth Circuit reversed and remanded for further proceedings. *Jewel v. National Security Agency*, 673 F.3d 902 (9th Cir. 2011). The mandate issued on February 23, 2012. Because former Chief Judge Walker has retired, we write to request that a new District Judge be assigned so that the case may proceed.

In addition, the Ninth Circuit consolidated for purposes of appeal the *Jewel* case with another case from this district that was previously assigned to former Chief Judge Walker: *Shubert v. Bush*, Case No. 07-cv-00693-VRW. On appeal, *Jewel* and *Shubert* were argued and decided together, *Jewel v. National Security Agency*, 673 F.3d 902, and we believe they may qualify to be related pursuant to LR 3-12. As a result, Your Honor may wish to consider whether judicial efficiency would be advanced by assigning the *Jewel* and *Shubert* cases to the same District Judge.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cindy Cohn', written over a horizontal line.

Cindy Cohn

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