

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2011 JUL 29 A 11:32

UNITED STATES OF AMERICA,
v.
WILLIAM LAWRENCE CASSIDY,
Defendant.

Case No. 8:11-cr-00091-RWT

Judge: Hon. Roger W. Titus

MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE ELECTRONIC FRONTIER FOUNDATION IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

The Electronic Frontier Foundation ("EFF"), by and through undersigned counsel, respectfully moves for leave to file an amicus curiae brief in the above-captioned matter.¹ Counsel for defendant William Lawrence Cassidy has consented to the filing of this brief, the United States advised that it is unable to consent at this time due to a recent transfer of counsel.

The Electronic Frontier Foundation ("EFF") is a non-profit, member-supported digital civil liberties organization. With more than 14,000 dues-paying members, including 345 paying members in Maryland, and more than 900 Maryland subscribers to EFF's weekly e-mail newsletter, *EFFector*, EFF represents the interests of technology users in both court cases and in broader policy debates surrounding the application of law in the digital age, and publishes a comprehensive archive of digital civil liberties information at www.eff.org. As part of its mission, EFF has served as counsel or amicus in cases addressing free speech online. *See e.g., Free Speech Coalition v. Holder*, No. 2:09-cv-04607-TJS (Dec. 7, 2009); *Savage v. Council on American-Islamic Relations, Inc.*, No. C 07-06076 SI (N.D. Cal. Dec. 3, 2007); *Commonwealth*

¹ Because there is no local rule on point, EFF submits this brief consistent with Federal Rule of Appellate Procedure 29 and Fourth Circuit Local Rule 29.

of Kentucky v. 141 Internet Domain Names, No. 2008 CA-002000-OA (Ky. Ct. App. Jan. 20, 2009).

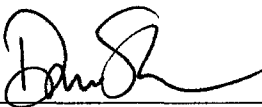
EFF's interest in this case is the sound and principled application of the First Amendment to online speech. As technology advances, more people rely on the Internet to communicate not only with one another, but also to express ideas and opinions about public figures and current events to society at large. EFF submits this brief to help the Court apply First Amendment principles in a manner that protects the constitutional rights of those who use technology to communicate.

For these reasons, EFF respectfully asks this Court to grant leave to file the accompanying brief of amicus curiae in support of the defendant's Motion to Dismiss the Indictment on the Grounds that the Portion of 18 U.S.C. § 2261A(2)(A) Charged Therein is Unconstitutionally Overbroad and Vague and on the Grounds that the Indictment Fails to State an Offense.

Dated: July 29, 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2011, a copy of the foregoing was sent by First Class Mail, Postage Prepaid to:

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A handwritten signature in black ink, appearing to read "D. Salem", is written over a horizontal line.