Filed
United States Foreign Intelligence
Surveillance Court of Review

OCT 16 2020

LeeAnn Flynn Hall, Clerk of Court

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW

WASHINGTON, D.C.

IN RE OPINIONS AND ORDERS OF THE FISC CONTAINING NOVEL OR SIGNIFICANT INTERPRETATIONS OF LAW.	Docket No. Misc. 20-02

ORDER TO SHOW CAUSE

On October 14, 2020, Movant American Civil Liberties Union filed a Petition for Review seeking to appeal the Order and Opinion of the Foreign Intelligence Surveillance Court (FISC) issued on September 15, 2020 (FISC Docket No. Misc. 16-01), in the above-captioned matter, or, in the alternative, a petition for a Writ of Mandamus (Petition). In its Notice of Appeal filed that same day, the Movant "recognizes that this Court has previously determined that it does not have jurisdiction to consider an appeal or petition for a writ of mandamus filed by a movant claiming a First Amendment right of public access to the FISC's legal opinions. . . . Movant respectfully submits this notice of appeal and petition for a writ of mandamus, however, in order to preserve its ability to seek further review."

The Movant is ordered to show cause why this Court has authority to entertain its Petition. Accordingly, the parties are HEREBY ORDERED to brief that issue on the following schedule:

a. The Movant shall file its brief by October 30, 2020; and

b. The Government shall file its responsive brief, if any, by November 13, 2020.

The briefs shall conform to the requirements of Rules 14(d) and 16(b) of this Court's Rules of Procedure, except that the parties' briefs shall not exceed ten double-spaced pages. The time allowed by Rule 58 of the Rules of Procedure of the United States Foreign Intelligence Surveillance Court for transmittal of the record is hereby tolled during this Court's consideration of the issue set forth in this Order.

So ordered this 16th day of October, 2020.

David B. Sentelle

DAVID B. SENTELLE
Presiding Judge, United States Foreign Intelligence Surveillance Court of Review