

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF FOURTEEN PRESS ORGANIZATIONS FOR ACCESS TO SEALED SEARCH WARRANT RECORDS	Case No. 1:26-mc-00144 (JEB)
IN RE APPLICATION OF THE NEW YORK TIMES COMPANY IN THE MATTER OF REP. ILHAN OMAR INVESTIGATION	Case No. 1:26-mc-00145 (JEB)
IN THE MATTER OF THE SEARCH OF ILHAN OMAR’S WASHINGTON, D.C. RESIDENCE	Case No. 1:26-mc-00147 (JEB)

**THE UNITED STATES OF AMERICA’S MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO PENDING REQUESTS TO
ACCESS SEALED SEARCH WARRANT RECORDS**

Before the Court are three Applications to unseal *ex parte* materials and proceedings related to a federal search warrant for the personal residence in the District of Columbia of Congresswoman Ilhan Nur Said Elmi, a/k/a Ilhan Abdullahi Omar (the “Subject”). *See* Case Nos. 1:26-mc-00144 (14 press organizations), 1:26-mc-00145 (New York Times Company), 1:26-mc-00147 (Judicial Watch, Inc.).

Under the Federal Rules, and for good cause shown, the United States respectfully moves to establish a single deadline to respond to all three applications, with such deadline to be established after execution of the search warrant is complete. *See* Fed. R. Crim. P. 45(b) (“[w]hen an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party’s motion made before the originally prescribed ... time expires”); Fed. R. Civ. P. 6(b)(1) (“[w]hen an act may or must be done within a specified time, the

court may, for good cause, extend the time ... with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires”). Each Application was filed and assigned to the Court on October 15, 2026, but notice was not received of the filings until October 16, 2026. On October 15, the Court set an October 22 deadline for the United States’ response to the 14 press organizations’ and New York Times’ motions, and, on October 19, 2026, set a November 9 deadline to respond to Judicial Watch’s motion. The United States’ time to respond to the applications has not expired.

For the reasons explained in the accompanying Memorandum of Law, which the United States is seeking leave to submit under seal and *ex parte*, good cause exists to extend these deadlines until after the subject search warrant has been fully executed. The Court should direct the United States to submit, within thirty days of when the warrant’s execution is complete, a status report so alerting the Court and the applicant. The Court should further direct the parties to confer within seven days of the filing of the foregoing status report about appropriate next steps and then jointly to file, by the seventh day following the United States’ status report, a status report offering their respective proposals for next steps. Should the Court not postpone the response deadline until after the search warrant’s execution is complete, the Court should set November 9, 2026 (already the response deadline in 1:26-mc-00147) as the deadline to respond to all the Applications. Because each application advances a materially identical request, the United States presently intends to file a consolidated response to all three motions.

In accordance with LCvR 7(m), counsel for the United States reached out to the Applicants’ counsel to discuss this motion in a good-faith effort to determine whether there is any opposition to the relief sought and, if there is, to narrow the areas of disagreement. The Applicants oppose this motion and the relief sought herein.

Dated: October 21, 2026

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POSITION OF THE NEW YORK TIMES COMPANY
(included at Applicant's request as conveyed during the parties' conferral)

Thank you for your email. The New York Times Company ("The Times") objects to your proposal.

The first request to stay these proceedings until an indefinite date so that the government can "complete" its execution of the search warrant is improper for multiple reasons. As set out in our Application, the First Amendment and the common law require expedient unsealing of these records. See Dkt. 1-1 ("Application") at 2. The public's immediate right of access obviously would be thwarted by an effectively unlimited suspension of the Government's deadline to respond to The Times's Application. We are also perplexed regarding what "execution" you refer to. As has been well-publicized, the Government executed the search warrant on October 12, 2026, and subpoenas have been served on Rep. Omar's family members. Indeed, as noted in our motion papers, the Government chose to conduct this investigation in public and to execute a search warrant on a sitting Congresswoman. The continuing lack of transparency surrounding the search warrant and related filings is especially intolerable in the run-up to an election in which Rep. Omar is a candidate for office. *Id.* at 1. In any event, if the materials sought contain legitimately non-public investigatory materials, the appropriate remedy is redaction (*Id.* at 17).

The Times also does not consent to the Government's proposed alternative briefing schedule in which its opposition is due on November 9, 2026. For the reasons set forth above, The Times believes that the appropriate deadline for the Government to respond is October 22, 2026. If the Government believes that a uniform briefing schedule is necessary, it may respond to the application in *In re the Matter of the Search Warrant of Ilhan Omar's Washington D.C. Residence*, 26-mc-147 on October 22, 2026. The Government would not be prejudiced by

responding on this deadline as this separate application was filed on the same day as The Times's Application and raises overlapping issues.

Finally, The Times does not consent to the Government's proposal of filing an ex parte memorandum of law supporting its extension motion. "[C]ourts routinely express their disfavor with ex parte proceedings and permit such proceedings only in the rarest of circumstances." *U.S. v. Libby*, 429 F. Supp. 2d 18, 21, (D.D.C. 2006). Here, there is no justification for the Government to rely on an ex parte, in camera memorandum to justify an extension – particularly given the broader objection to the underlying proceedings being conducted in secret, despite their clear significance to the public. Ex parte proceedings would deprive The Times of the ability to evaluate or contest the Government's assertions. If there are legitimately sensitive facts that must be put to the Court, the appropriate remedy is redaction.

The Times respectfully requests that the Government include this statement setting forth The Times's position in any submission to the Court. Thank you.

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[PROPOSED] ORDER

UPON CONSIDERATION of the United States’ motion for an extension of time to respond to the pending request to access sealed search warrant documents, and the entire record herein, it is hereby

ORDERED that the United States’ motion is GRANTED, and it is further

ORDERED that the United States file a status report within thirty days of when the warrant’s execution is complete, and it is further

ORDERED that the parties shall confer within seven days of the filing of the foregoing status report about appropriate next steps and then jointly file, by the seventh day following the United States’ status report, a status report offering their respective proposals for next steps; [OR]

ORDERED that the United States’ response to the application is due on or before November 9, 2026.

Date

JAMES E. BOASBERG
Chief United States District Judge