

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5032

September Term, 2018

1:17-cv-02069-TSC

Filed On: June 28, 2019

John Doe,

Appellee

v.

Mark T. Esper, in his official capacity as Acting  
Secretary of Defense,

Appellant

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Consolidated with 18-5110

**BEFORE:** Henderson, Srinivasan, and Wilkins, Circuit Judges

**ORDER**

Upon consideration of the joint motion of the New York Times Company and Charlie Savage (“New York Times”) and the government to withdraw the pending motion to unseal filed by the New York Times on April 9, 2019; to permit the New York Times to intervene for the purpose of seeking to unseal portions of this court’s opinion dated May 7, 2018; and to unseal all redacted portions of the opinion, except for the name of a government official identified in citations to the official’s declaration, it is

**ORDERED** that the motion of the New York Times for leave to intervene for the purpose of seeking to unseal portions of the court’s opinion dated May 7, 2018, be granted. It is

**FURTHER ORDERED** that the request to withdraw the pending motion to unseal filed April 9, 2019, be granted. The motion is hereby deemed withdrawn. The Clerk is directed to note the docket accordingly. It is

**FURTHER ORDERED** that the slip opinions filed under seal on May 7, 2018, which were subsequently redacted and filed on May 9, 2018, be unsealed with the exception of the name of the declarant identified on pages 18 n.7, 32, and 33 of the dissent. The Clerk is directed to issue the majority opinion publicly and to issue the dissenting opinion publicly, redacting only the exceptions identified in the joint motion filed June 3, 2019.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk