

other evidence, the search recovered roughly 100 records bearing classification markings, including markings reflecting the highest levels of classification and extremely restricted distribution.

Two weeks later, applicant filed this civil action seeking the appointment of a special master to review the seized materials for claims of privilege or return of property and an injunction barring the government from continuing to use those materials during that review process. District courts have no general equitable authority to superintend federal criminal investigations; instead, challenges to the government's use of the evidence recovered in a search are ordinarily resolved through criminal motions practice if and when charges are filed. Here, however, the district court granted the extraordinary relief applicant sought, ordering that a "special master shall be APPOINTED to review the seized property" and enjoining further review or use of any seized materials "for criminal investigative purposes" pending the special-master process, which will last months. Appl. for Partial Vacatur App. (App.) B at 23.¹

Although the government believes the district court fundamentally erred in appointing a special master and granting injunctive relief at all -- and is appealing the court's September 5

¹ The appendix to the application is divided into seven lettered sections but not consecutively paginated. This response cites the appendix using the relevant section designation and the internal pagination of the documents contained in that section.