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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)
)
v.) Criminal No. 01-455-A
)
ZACARIAS MOUSSAOUI,) UNDER SEAL
a/k/a "Shaqil")
a/k/a "Abu Khalid)
al Sahrawi,")
)
Defendant.)

FILED WITH
COURT SECURITY OFFICER
McNeill
DATE 12/13/02

ORDER

Pursuant to this Court's orders, on December 2, 2002, the United States filed a Status Report concerning defense requests for access [REDACTED]

[REDACTED] in which it asks the Court to postpone consideration of the defense motions for access [REDACTED] until January 16, 2003. The United States maintains that the national security interests articulated in its earlier submissions outweigh the defense arguments as to why they should be afforded access [REDACTED]

[REDACTED]

On November 27, 2002, standby counsel filed a Reply in support of defense motions for access [REDACTED]. Counsel for the United States have indicated that they intend to file a response.

[REDACTED] the United States requests that we postpone consideration of the request for access [REDACTED]

Standby defense counsel oppose the Government's request for additional time. In particular, they complain that they have not been provided with any reports [REDACTED]

[REDACTED] Further, standby counsel contend that the defense motions for access [REDACTED] have been fully briefed and are ripe for resolution.³

Although we find that the defense requests for access [REDACTED] require prompt resolution, we also find that the defendant will not be unduly prejudiced by a few week delay in the resolution of these issues. Accordingly, it is hereby

ORDERED that the United States advise the Court as to its ultimate position regarding the defense motions for access [REDACTED]

[REDACTED] by Thursday, January 9, 2003.

³ See supra note 1.

If we find oral argument to be necessary, we will hold a closed hearing pursuant to the Classified Information Procedures Act, 18 U.S.C. App. 3, on Wednesday, January 22, 2003 at 10:00 a.m. in Courtroom 700.

In support of its request for additional time to address the defense motions for access [REDACTED] the United States submitted a classified, ex parte declaration for the Court's review. Having reviewed that declaration, we do not find any legitimate reason why it was filed ex parte given that standby counsel have been granted national security clearances. Therefore, it is hereby

ORDERED that counsel for the United States produce a copy of the classified declaration to standby defense counsel forthwith.

The Clerk is directed to forward copies of this Order to counsel for the United States; standby defense counsel; and the Court Security Officer, who is directed to submit this Order for classification review so that an unclassified version can be provided to the pro se defendant.

Entered this 13th day of December, 2002.

/S/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia