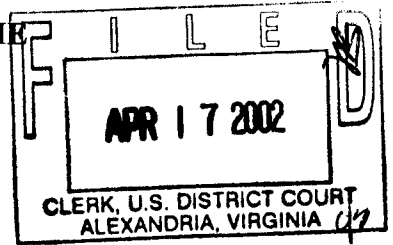


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 JOHN PHILLIP WALKER LINDH )

Criminal No. 02-37-A

**ORDER**

The matter is before the Court on the Government’s Motion to Permit *Ex Parte* and *In Camera* Filing of Attachment A to the Government’s Motion for Protective Order Regarding Detainee Interview Reports (Attachment A).

Rule 16(d)(1), Fed. R. Crim. P., provides that district courts “may permit” the government to make an *ex parte* showing of support for a protective order. Although *ex parte* proceedings are disfavored, it is settled, and the Advisory Committee Notes so reflect, that *ex parte* proceedings are appropriate “if any adversary proceeding would defeat the purpose of the protective or modifying order.” *United States v. Napue*, 834 F.2d 1311, 1317 (7<sup>th</sup> Cir. 1987) (quoting Rule 16, Fed. R. Crim. P., Advisory Committee Notes to 1975 Enactment); *see also United States v. Innamorati*, 996 F.2d 456, 487 (1<sup>st</sup> Cir. 1993).

It is clear in the instant case that a review of the redacted reports by defense counsel prior to the entry of a protective order would defeat the purpose of the motion for a protective order.

Accordingly, because there is good cause to do so, it is **ORDERED** that the Government’s Motion to Permit *Ex Parte* and *In Camera* Filing of Attachment A is **GRANTED** and that document is hereby **FILED** *ex parte*, solely for *in camera* review.

The Clerk is directed to send a copy of this Order to all counsel of record.

/S/

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T.S. Ellis, III  
United States District Judge

Alexandria, VA  
April 17, 2002