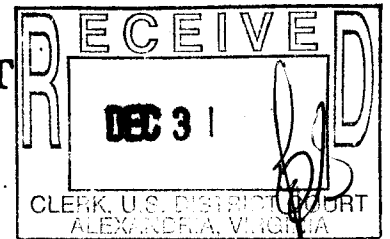


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE  
500 PEARL STREET  
ROOM 520  
NEW YORK, NEW YORK 10007



DATE: DECEMBER 26, 2001

CLERK,  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALBERT V. BRYAN UNITED STATES COURTHOUSE  
401 COURTHOUSE SQUARE  
ALEXANDRIA, VA. 22314-5798

RE: USA - V - ZACARAS MOUSSAOUO  
SDNY MAG. DOCKET # 01 MAG. 2186

DEAR SIR/MADAM:

REFERRING TO THE ABOVE CAPTIONED MATTER, PLEASE BE ADVISED, FOR RECORD PURPOSES, THAT THIS MATTER HAS BEEN DISPOSED OF AS FOLLOWS:

- (XXXXX) 1. DEFENDANT (UPON WAIVER OF HEARING) REMANDED TO THE U.S. MARSHAL FOR REMOVAL.
- ( ) 2. DEFENDANT (UPON WAIVER OF HEARING) BAILED FOR HIS APPEARANCE IN YOUR DISTRICT. BOND ENCLOSED.
- ( ) 3. PROCEEDINGS DISMISSED INCIDENT TO TURNOVER OF DEFENDANT IN STATE EXTRADITION PROCEEDING.
- ( ) 4. COMPLAINT DISMISSED BY YOUR DISTRICT.

YOURS TRULY,

JAMES M. PARKISON,  
CLERK OF COURT

BY *Gilbert Quan*  
DEPUTY CLERK

PLEASE ACKNOWLEDGE RECEIPT OF RULE 40  
DOCUMENTS ON COPY OF THIS LETTER.

GILBERT QUAN

19

A TRUE COPY  
UNITED STATES MAGISTRATE  
FOR THE SOUTHERN DISTRICT OF N.Y.  
*[Signature]*  
DEPUTY CLERK

CLOSED

U.S. District Court  
Southern District of New York - Civil Database (Foley Square)

CRIMINAL DOCKET FOR CASE #: 01-M -2186-1

USA v. Moussaoui  
Case Assigned to: Judge Unassigned  
Dkt# in other court: None

Filed: 12/13/01

ZACARIAS MOUSSAOUI  
defendant  
[term 12/13/01]

Donald D. Duboulay  
[term 12/13/01]  
[COR LD NTC]  
401 Broadway  
25th Floor  
New York, NY 10013  
(212) 966-3970

Pending Counts:

NONE

Terminated Counts:

NONE

Complaints

Disposition

18 U.S.C. 2332a: CONSPIRACY TO  
COMMIT ACTS OF TERRORISM  
TRANSCENDING NATIONAL  
BOUNDARIES.

Proceedings include all events.  
1:01m 2186-1 USA v. Moussaoui

CLOSED

ZACARIAS MOUSSAOUI

defendant

=====

USA

plaintiff

U. S. Attorneys:

Kenneth Karas  
[term 12/13/01]  
[COR LD NTC]  
Assistant United States  
Attorney  
Mary Jo White, United States  
Attorney  
Criminal Division  
One St. Andrew's Plaza  
New York, NY 10007  
USA  
(212) 637-1034

Proceedings include all events.

1:01m 2186-1 USA v. Moussaoui

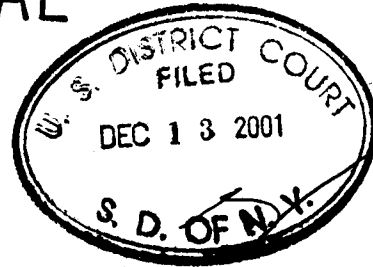
CLOSED

- 12/13/01 1        RULE 40 AFFIDAVIT (Eastern District of Virginia) by Matthew G. Walsh, Special Agent, Federal Bureau of Investigation, as to Zacarias Moussaoui. (Signed by USDJ BARBARA S. JONES). (gq) [Entry date 12/21/01]
- 12/13/01 --        ARREST (Rule 40) of Zacarias Moussaoui. (gq) [Entry date 12/21/01]
- 12/13/01 --        First Appearance as to Zacarias Moussaoui held before Judge Barbara S. Jones. Deft appears with CJA atty Donald Duboulay. AUSA Kenneth Karas present for the gov't. Detention. This court has previously concluded that deft is a flight risk and a danger to the community. An INS detainer has also been lodged. His lawyer did not object to further detention. Deft to be removed. (gq) [Entry date 12/21/01]
- 12/13/01 2        TRUE COPY OF REMOVAL ORDER as to Zacarias Moussaoui, Commitment to Eastern District of Virginia. ( Signed by Judge Barbara S. Jones ) Copies mailed. (gq) [Entry date 12/21/01] [Edit date 12/21/01]
- 12/21/01 --        Rule 40 Documents Out: Mailed certified copy of: Rule 40 Documents, docket entries and letter of acknowledgment to the Eastern District of Virginia. (gq) [Entry date 12/21/01]

DOC # \_\_\_\_\_

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X

UNITED STATES OF AMERICA :

-v.- :

RULE 40 AFFIDAVIT

ZACARIAS MOUSSAOUI, :

Defendant. :

*01 Mag 2186*

-----X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MATTHEW G. WALSH, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

On or about December 13, 2001, a warrant was issued by the Clerk of the Court for the Eastern District of Virginia that authorized the arrest of an individual named "ZACARIAS MOUSSAOUI," based on an Indictment charging "ZACARIAS MOUSSAOUI" with, among other crimes, conspiracy to Commit Acts of Terrorism Transcending National Boundaries, in violation of Title 18, United States Code, Section 2332a ("the Indictment"). A copy each of the arrest warrant and the underlying Indictment is attached hereto as Exhibits A and B, respectively, and incorporated by reference herein.

I believe that ZACARIAS MOUSSAOUI, who was arrested on December 13, 2001, in the Southern District of New York, is the same individual as "ZACARIAS MOUSSAOUI" who is wanted in the Eastern District of Virginia.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am one of the agents in this district who is responsible for participating in the arrest of "ZACARIAS MOUSSAOUI," who is wanted in the Eastern District of Virginia. Because this Affidavit is being submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned relating to the defendant. Where I report statements made by others, those statements are described in substance and in part, unless otherwise indicated.

2. According to the attached warrant, "ZACARIAS MOUSSAOUI" is charged in the Eastern District of Virginia with conspiracy to commit acts of terrorism transcending national boundaries. I have spoken with law enforcement personnel who have participated in the investigation of ZACARIAS MOUSSAOUI. I also have reviewed the Indictment underlying the

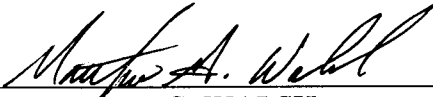
**A TRUE COPY  
UNITED STATES MAGISTRATE  
FOR THE SOUTHERN DISTRICT OF N.Y.**  
*[Signature]*  
**DEPUTY CLERK**

arrest warrant issued in the Eastern District of Virginia, a U.S. Marshals form which contains pedigree information for ZACARIAS MOUSSAOUI (a copy of which is attached hereto as Exhibit C), and a photograph of ZACARIAS MOUSSAOUI (a copy of which is attached hereto as Exhibit D). The photograph of ZACARIAS MOUSSAOUI is a photograph of the same ZACARIAS MOUSSAOUI whose pedigree information is contained in the U.S. Marshals form attached as Exhibit C. Based on this information, I state the following:

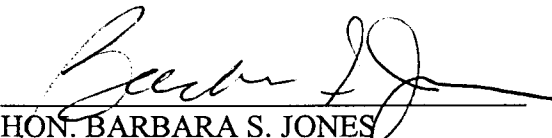
a. The Indictment alleges that "ZACARIAS MOUSSAOUI" was born in France on May 30, 1968. The Indictment also alleges that "ZACARIAS MOUSSAOUI" was interviewed by federal agents in Minnesota on or about August 17, 2001.

b. The U.S. Marshals pedigree form indicates that ZACARIAS MOUSSAOUI was born on May 30, 1968 in France.

c. Other federal agents have informed me that the person depicted in the photograph of ZACARIAS MOUSSAOUI, attached hereto as Exhibit D, is the individual that they interviewed on or about August 17, 2001 in Minnesota. These other agents also have informed me that they know that ZACARIAS MOUSSAOUI was transported from Minnesota to New York in September 2001, where he has been detained since that time.

  
\_\_\_\_\_  
MATTHEW G. WALSH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
13<sup>th</sup> day of December, 2001.

  
\_\_\_\_\_  
HON. BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

DISPOSITION SHEET

Ken Karas  
AUSA

DATE OF ARREST \_\_\_\_\_  VOL. SURRENDER

ON WRIT

MAGISTRATE'S DOCKET NUMBER 01 Mag 2186

TIME OF ARREST \_\_\_\_\_

TIME OF PRESENTMENT 4:15 pm 12/13/01

PROCEEDING:  Rule 5  Rule 9  Rule 40  Detention Hearing  Other: \_\_\_\_\_

INTERPRETER NEEDED LANGUAGE: \_\_\_\_\_

*720*

DEFENDANT'S NAME: Zacarias Moussaoui

COUNSEL'S NAME: Donald DuBoulay  RETAINED  LEGAL AID  CJA

BAIL DISPOSITION

- DETENTION  ON CONSENT W/O PREJUDICE  SEE DETENTION ORDER
- DETENTION HEARING SCHEDULED AT DEFENDANT'S REQUEST FOR \_\_\_\_\_
- AGREED BAIL PACKAGE
- \$ \_\_\_\_\_ PRB
- \$ \_\_\_\_\_ FRP
- \$ \_\_\_\_\_ CASH/PROPERTY: \_\_\_\_\_
- TRAVEL RESTRICTED TO SDNY/EDNY/ \_\_\_\_\_
- SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)
- REGULAR PRETRIAL  STRICT PRETRIAL  DRUG TESTING/TREATMENT
- HOME INCARCERATION  HOME DETENTION  CURFEW  ELECTRONIC MONITORING: \_\_\_\_\_
- CONDITIONS: \_\_\_\_\_
- DEFENDANT TO BE RELEASED UPON FOLLOWING CONDITIONS: \_\_\_\_\_

**A TRUE COPY**  
**UNITED STATES MAGISTRATE**  
**FOR THE SOUTHERN DISTRICT OF N.Y.**  
*[Signature]*  
**DEPUTY CLERK**

REMAINING CONDITIONS TO BE MET BY \_\_\_\_\_

OTHER:

*This court has previously concluded that defendant is a flight risk and a danger to the community. An INS detainer has also been lodged. His lawyer did not object to further detention!*

FOR RULE 40 CASES:

- ID HEARING WAIVED  PRELIMINARY HEARING WAIVED
- DEFENDANT TO BE REMOVED  ON DEFENDANT'S CONSENT

DATE FOR PRELIMINARY HEARING \_\_\_\_\_  ON DEFENDANT'S CONSENT

COMMENTS AND ADDITIONAL PROCEEDINGS:

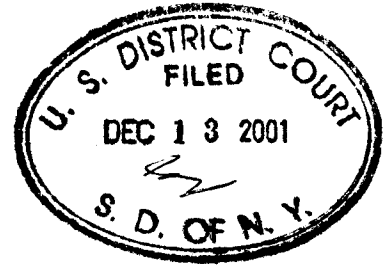
DATE 12/13/01

*[Signature]*  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

DOC # 2

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X

UNITED STATES OF AMERICA :

-v.- :

ORDER

Ol mag 2186

ZACARIAS MOUSSAOUI, :

Defendant. :

-----X

Upon the application of the United States of America, the Court hereby finds that the defendant, ZACARIAS MOUSSAOUI, has been charged with, *inter alia*, a violation of Title 18, United States Code, Section 2332b, in an Indictment returned by a Grand Jury sitting in the Eastern District of Virginia;

The Court further finds that the Government has produced, in compliance with Rule 40(a) of the Federal Rules of Criminal Procedure, a facsimile of a certified copy of the arrest warrant issued on December 13, 2001 by the Honorable Claude M. Hilton, United States District Judge for the Eastern District of Virginia;

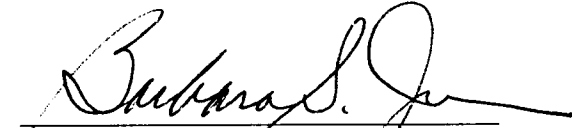
The Court further finds that there is sufficient evidence to believe that the defendant is the ZACARIAS MOUSSAOUI named in the warrant and the underlying Indictment issued in the Eastern District of Virginia; and therefore it is


A TRUE COPY  
UNITED STATES MAGISTRATE  
FOR THE SOUTHERN DISTRICT OF N.Y.  
*[Signature]*  
DEPUTY CLERK



ORDERED, pursuant to Rule 40(a) of the Federal Rules of Criminal Procedure,  
that the defendant, ZACARIAS MOUSSAOUI, is to be removed to the custody of the United  
States Marshal for the Eastern District of Virginia, or his designee, by no later than December 27,  
2001.

Dated: New York, New York  
December 13, 2001

  
HON. BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

**A TRUE COPY**  
**UNITED STATES MAGISTRATE**  
**FOR THE SOUTHERN DISTRICT OF N.Y.**  
 **DEPUTY CLERK**