

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 )  
 a/k/a "Shaqil," )  
 a/k/a "Abu Khalid )  
 al Sahrawi," )  
 )  
 Defendant. )

ORDER

On March 13, 2002, the Judicial Conference of the United States approved an amendment to its current policy prohibiting remote public access to criminal case file documents for cases, such as this, where extraordinary public interest generates demands for copies of filed documents. On March 21, 2002, after having obtained the consent of counsel for the United States and counsel for the defendant, the Court ordered that all publicly filed documents in this case be submitted in both original, paper versions and on disk in portable document format (PDF) so that the filings could be made available to the public over the Internet.<sup>1</sup> Copies of publicly filed documents have since been available on the court's web site.

On April 22, 2002, the defendant moved to dismiss his court-appointed counsel. Because the defendant has since begun to

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<sup>1</sup> The paper version with original signatures filed with the Clerk's Office constitutes the official court record.

submit pleadings to the court pro se and has expressly disclaimed any and all decisions previously made by his court-appointed counsel on his behalf, it is hereby

ORDERED that no publicly filed pleadings submitted by either party since April 25, 2002 will be electronically available on the court's web site unless the defendant gives his written consent to such posting.<sup>2</sup> The docket sheet, scheduling information, and those court orders not issued under seal will continue to appear on the web site. This Order in no way changes the practice that all pleadings not filed under seal are maintained in the open case file, available for review by any member of the public or media during the hours when the courthouse is open.

If the defendant wishes to have the publicly filed pleadings appear on the web site, he must indicate his consent by signing the enclosed Consent Form and returning it to the Clerk of Court. Once the Consent Form is signed, it will apply to all future filings and those not posted since April 25, 2002.

Because the defendant is beginning to file numerous motions, he is advised that unless he writes clearly on the pleading that it is "UNDER SEAL," the pleading will be placed in the public

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<sup>2</sup>Although the defendant does not have access to a computer with a word processing program, his handwritten submissions can be scanned and converted into PDF Image format if he wants them posted on the web site.

case file. If the defendant wants a pleading to be seen only by the Court and counsel, he should print "UNDER SEAL" on the pleading and on the envelope. If a pleading contains information about defense strategy not intended for the Government's review, he should write "Ex Parte"<sup>3</sup> and "UNDER SEAL" on the pleading and on the envelope.<sup>4</sup>

To be accepted by the Court for consideration, each pleading must carry the proper caption of the case: "United States of America v. Zacarias Moussaoui, Criminal No. 01-455-A," and should have a title (i.e. "Motion to Dismiss Court-Appointed Counsel"). A copy of every pleading not filed ex parte should be served on counsel for the United States and counsel of record for the defendant, and contain an appropriate Certificate of Service. However, because the United States Marshal is unable to secure copying arrangements for the defendant with the Alexandria City Jail, the Court will permit the defendant to file his original pleadings without providing copies to counsel of record. The Clerk will make photocopies of the pleadings for counsel of record and one file-stamped copy of the pleading will be returned

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<sup>3</sup>A submission is ex parte if is filed "for the benefit of one party only, and without notice to, or contestation by, any person adversely interested." Blacks Law Dictionary.

<sup>4</sup>If the Court determines that any pleading of either party is improperly classified as "UNDER SEAL" or "ex parte," the Court may order the seal lifted or the dissemination of the pleading to opposing counsel.

to the defendant for his records.

The Clerk is directed to forward copies of this Order to the defendant, counsel of record, the United States Marshal, and the Court Security Officer.

Entered this 26th day of April, 2002.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia