

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

Certain discovery disputes in this case have centered around the defense's claim that the United States has failed to provide it with information retrieved from various computers used by Mr. Moussaoui in 2001, including evidence of his purported "xdesertman" Hotmail account.<sup>1</sup> In response to our Order of August 27, 2002 and standby defense counsel's requests for specific information regarding hard drive identification and authentication, the United States has submitted multiple affidavits explaining why it has been unable to recover evidence of the alleged "xdesertman" account from Hotmail, Kinkos, the computer in the apartment Mr. Moussaoui shared with Mukkarum Ali, and computers at the University of Oklahoma Mr. Moussaoui claims to have used.

Although standby counsel request that we order the United States to continue its search for the alleged "xdesertman" account, we find that the United States has more than adequately complied with our Order of August 27, 2002. It has provided standby counsel

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<sup>1</sup> See pleadings docketed as #s 418, 435, 440, 449, 497, 544 and 705.

with the requested information about the authentication of the computer hard drives produced to the defense in discovery, a chart identifying the sources of each hard drive produced, confirmation that the University of Oklahoma hard drive at issue had not been contaminated, clarification regarding the BIOS settings for and the timing of the CART examination of Mr. Moussaoui's laptop computer, an explanation for the discrepancy between certain IP addresses, and the identity of the commercial software used by the University of Oklahoma to "ghost" or restore a previously recorded hard drive image.

Because the defense possesses the computer hard drives at issue and has expert resources and subpoena power, we find that the defense is just as capable as the United States to conduct any further examinations and investigation it deems necessary and appropriate. Accordingly, the defendant's pro se Motion to Recover xdesertman in the Sea of Lie [sic] of the US (Docket #497), the requests contained in Standby Counsel's Reply (Docket #544) and the defendant's pro se Motion to Force CIA and NSA Action to the Open Arena (Docket #705) are DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; and standby defense counsel.

Entered this 7th day of January, 2003.

/s/

Alexandria, Virginia

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Leonie M. Brinkema  
United States District Judge