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

In his Emergency Motion docketed as #919, the defendant reports that the United States has not yet complied with the Court’s Order of May 12, 2003, which directed that standby counsel’s Response and Objection to the Government’s Proposed Substitutions and the Government’s Reply be resubmitted for classification reviews so that less redacted versions could be provided to the defendant by the close of business on Monday, May 12, 2003. Complaining that this development makes it impossible for him to respond, as ordered by the Court, by May 14, 2003, he requests additional time to submit written comments on these briefs.

Although the defendant seems particularly concerned about his inability to submit specific objections to standby counsel’s proposed alternative to the Government’s Proposed Substitution, standby counsel’s proposal is not for this Court’s consideration. As directed by the Court of Appeals, consistent with Section 6(c) of the Classified Information Procedures Act, 18 U.S.C. App. 3,

the United States has been given "an opportunity to propose substitutions for the classified information authorized to be disclosed" on January 31, 2003; and this Court is now tasked with determining whether that proposal "will provide the defendant with substantially the same ability to make his defense as would" the relief ordered by this Court on January 31, 2003.

The defendant has had access to the Government's Proposed Substitution since April 25, 2003, and has filed approximately thirteen pleadings in response. Although he has not yet had an opportunity to review certain portions of the debate between counsel for the United States and standby defense counsel, the defendant has had more than enough time to advise the Court of his position concerning the adequacy of the Government's Proposed Substitution.

In light of the May 15, 2003 deadline imposed by the Court of Appeals for this Court's decision regarding the adequacy of the Government's Proposed Substitution, the defendant's request for additional time to respond must be DENIED. However, it is hereby

ORDERED that the United States either comply with the Order of May 12, 2003 or advise the Court why it has been unable to do so by the close of business on Wednesday, May 14, 2003.

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

counsel; and the Court Security Officer.

Entered this 13th day of May, 2003.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia