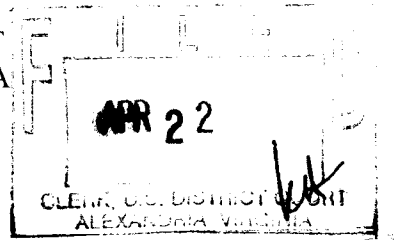


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
ZACARIAS MOUSSAOUI)

Criminal No. 01-155-A
Hon. Leonie M. Brinkema

SEALING ORDER

This matter comes before the Court on the Defendant's Motion to Seal pursuant to Local Criminal Rule 49(E). For good cause shown, the Court finds:

1. The defendant seeks to file certain documents under seal, namely, "Suggestion of Defense Counsel as to Defendant's Incompetence to Plead Guilty and for a Sentence of Death" and the attachments thereto.
2. Sealing of these documents is necessary because they reference proceedings previously sealed by the Court.
3. The Court has considered procedures other than sealing, but none would suffice to protect the information subject to sealing.
4. The Court has the inherent power to seal materials submitted to it. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978) ("Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes."); *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) ("The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests."); *United States v. Moussaoui*, 65 Fed. Appx. 881, 886, 2003 WL 21076836 (4th Cir. No. 03-4162) (same) (unpublished opinion); *see also In re Eye Care Physicians of America*, 100 F.3d 514, 519 (7th Cir. 1996); *Times Mirror Co. v. United States*, 873 F.2d 1210, 1221 (9th Cir. 1989); *In re Search*

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Warrant for Secretarial Area Outside Office of Gunn, 855 F.2d 569, 574 (8th Cir. 1988); *United States v. Wuagneux*, 683 F.2d 1343, 1351 n.6 (11th Cir. 1982); *Arizona v. Manypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980); *Shea v. Gabriel*, 520 F.2d 879, 882 (1st Cir. 1975); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975).

5. The defendant requests that the pertinent materials be sealed permanently, that is, unsealed only upon order of the Court.

For the foregoing reasons it is hereby:

ORDERED that the defendant's Motion to Seal is granted, and it is

FURTHER ORDERED that the documents filed under seal shall remain under seal until further order of the Court.

The Clerk is directed to forward copies of this Sealing Order to counsel of record.

/s/

Leonie M. Brinkema
United States District Judge

Entered: 4/22/05