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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN and
SAMEEH HAMMOUDEH,

Defendants.

ORDER

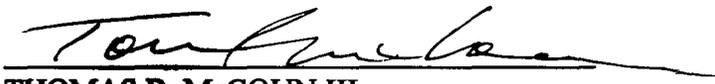
THIS CAUSE is before the court on the **Federal Bureau of Prisons Notice of Special Appearance by Assistant United States Attorney Dan Eckhart and Response to May 28, 2003, Order (Doc. 161)**. The response, filed on behalf of officials at FCC Coleman, indicates that the Defendants Al Arian and Hammoudeh will **no longer** be subject to routine strip searches before or after non-contact visits. The response **further** notes that if prison officials reasonably suspect that Defendants possess contraband or **have** had the opportunity to conceal contraband, the Bureau of Prisons reserves the right to **conduct** such searches as may be necessary.

The response suggests that officials at FCC Coleman will comply with applicable fourth amendment principles as discussed in the court's **Order of May 28, 2003**. By this standard, routine strip searches of the type at issue **are inappropriate** in the absence of reasonable suspicion of facts supporting such intrusions. **The** response also appears consistent with the Bureau of Prisons own regulations which **contemplate** visual body searches when

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there is reasonable belief that contraband may be concealed on the inmate or there has been a good opportunity for such concealment to have occurred. Accepting that the officials at FCC Coleman will abide by their Notice, the Defendants original complaints are rendered moot and accordingly, Mr. Al-Arian's and Mr. Hammoudeh's **Motions to Modify Conditions of Detention** (Docs. 92, 93) are **DENIED** as moot in so far as they raise issues regarding strip searches.

Done and Ordered in Tampa, Florida, this 12th day of June 2003.


THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
U.S. Marshal
Daniel Eckhart

