

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CASE NO: 8:03-Cr-77-T-30TBM

v.

**This motion/~~petition~~/~~stipulation~~ has
been duly considered and is hereby**

DENIED AS MOOT

this 11th day of August 20 03.

SAMI AL-ARIAN
_____ /

**THOMAS B. McCOUN III
United States Magistrate Judge**

MOTION TO ALLOW CONTACT VISIT

COMES NOW the Defendant, SAMI AL-ARIAN, by and through ~~the~~ undersigned counsel, and moves this Honorable Court for an order allowing a contact visit with his son, Ali,, and as grounds therefore would state:

1. The Defendant is a pre-trial detainee in Coleman U.S.P., which is a maximum security institution;
2. The Defendant's son, Ali, age twelve (12), is leaving on August 5, 2003 to attend school in Egypt and will be gone overseas for ten (10) months to one (1) year;
3. The institutional rules permit a contact visit with his son, and other residents of S.H.U. have been seen by counsel enjoying contact visits with their family members. The S.H.U. residents are easily identifiable as those inmates dressed in orange jumpsuits;
4. When the undersigned counsel asked the corrections personnel present whether the men in orange jumpsuits who were having contact visits were, in fact, S.H.U. residents, it was confirmed;

WHEREFORE, the Defendant moves this Honorable Court for an order allowing the Defendant a contact visit with his son, Ali, before Ali leaves to attend school in Egypt on August 5, 2003.

FILED
AUG 11 11 53 AM '03
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

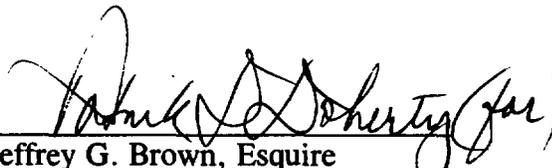
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MEMORANDUM OF LAW

The court has the authority, within constitutional limits, to set the conditions of a pre-trial detainee's detention. U.S. vs. Salerno, 481 U.S. 739, 95 L.Ed. 2nd 697, 107 S.Ct. 2095 (1987). This act is one which is clearly within the court's discretion to make, particularly given the fact that it is probably a decision of the U.S. Marshall which prevents a contact visit and not a rule of the institution.

Dated: 7/15/03


Jeffrey G. Brown, Esquire

CERTIFICATE OF SERVICE

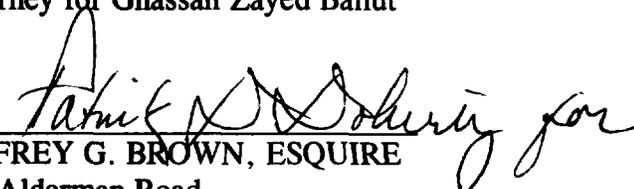
I HEREBY CERTIFY that the original of the foregoing has been furnished to the Clerk of Court, Middle District of Florida, located at the Sam Gibbons U.S. Courthouse, 801 N. Florida Ave., Suite 223, Tampa, FL 33602-4500, and that a true and correct copy has been furnished to the following interested persons:

Terry Furr, AUSA
U.S. Attorney's Office
400 N. Tampa Street, #3200
Tampa, FL 33602

Donald E. Horrox, Esq.
Federal Public Defender's Office
400 N. Tampa St., #2700
Tampa, FL 33602
Attorney for Hatim Naji Fariz

Daniel M. Hernandez, Esq.
902 N. Armenia Ave.
Tampa, FL 33609
Attorney for Sameeh Hammoudeh

Bruce G. Howie, Esq.
5720 Central Ave.
St. Petersburg, FL 33707
Attorney for Ghassan Zayed Ballut


JEFFREY G. BROWN, ESQUIRE
777 Alderman Road
Palm Harbor, FL 34683
(727) 786-8686, (727) 772-9833
FBN 832431

F I L E C O P Y

Date Printed: 08/11/2003

Notice sent to:

— Walter E. Furr, Esq.
U.S. Attorney's Office
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, FL 33602

8:03-cr-00077 jlh

— Daniel W. Eckhart, Esq.
Office of the U.S. Attorney
80 N. Hughey Avenue, Suite 201
Orlando, FL 32801

8:03-cr-00077 jlh

— Sami Amin Al-Arian
FCI Coleman
P.O. Box 1033
Coleman, FL 33521-1033

8:03-cr-00077 jlh