

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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CLERK U.S. DISTRICT COURT  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

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

SAMI AMIN AL-ARIAN

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**ORDER**

This cause came before the Court upon Defendant Al-Arian's Emergency Ex-Parte Motion to Stay at Orient Road Jail at Least Until September 29, 2003, (Dkt. #280). Dr. Al-Arian has previously requested that his stay in Hillsborough County be extended to September 25, 2003, (Dkt. #271), and that request was granted. Now, Dr. Al-Arian desires to stay at the Orient Road Jail to interview legal counsel for possible representation (paragraph 1 of Motion). The housing of federal pre-trial detainees is generally left to the discretion of the U. S. Marshal's Office.

Defendant's preference for having interviews at Orient Road Jail is not a sufficient reason to overcome the Marshal's decision about where to house a particular defendant. Interviews of prospective lawyers can and do take place at Coleman Federal Correctional Institute. Defendant Hammoudeh, while housed at Coleman, successfully interviewed and retained Mr. Bernstein as his attorney. Defendant's claim that "if this Motion is denied, the Defendant will be forced to conduct the interviews on September 25th and 26th, at the expense of the discovery review process" (paragraph 7) is unavailing. The denial of this Motion does not "force" the Defendant to do anything. If he wishes, Defendant Al-Arian may interview lawyers at Coleman.

This Court is confused by the language of paragraph 8 of the Motion, which states:

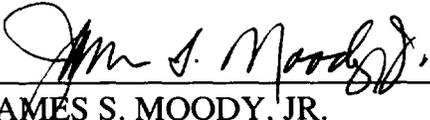
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8) If the Honorable Court grants the defendant's other pending motion to extend the discovery review process beyond September 29, 2003, then this motion is to be considered moot.

The Court interprets that language to be referring to Defendant's "Motion for Another 10-day Extension (sic) to Supplement the Motion on the Bill of Particulars, Motion to Dismiss the Indictment and the Jury Questionnaire" (Dkt. #276). The Court has granted that Motion allowing Defendant Al-Arian the requested additional ten (10) days in which to perform the identified tasks. This Motion did not seek an extension of "the discovery review process beyond September 29, 2003." The discovery review process already extends well beyond September 29, 2003, and Dr. Al-Arian may participate in the discovery process wherever he is housed. Therefore, it does not appear that the granting of the Motion identified at Dkt. #276 renders moot the Motion presently before the Court at Dkt. #280.

For the foregoing reasons, Defendant Al-Arian's Emergency Ex-Parte Motion to Stay at Orient Road Jail at Least Until September 29, 2003, (Dkt. #280) is DENIED.

**DONE** and **ORDERED** in Tampa, Florida on this 23 day of September, 2003.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel/Parties of Record  
United States Marshal ✓

F I L E C O P Y

Date Printed: 09/24/2003

Notice sent to:

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