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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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,

Defendant.

ORDER

THIS CAUSE is before the court on **Defendant Sami Amin Al-Arian's Pro Se Motion Requesting the Honorable Court's Intervention in Facilitating the Government's Arbitrary Actions in Violation of His Constitutional Rights (Doc. 308)**, and **Mr. Al-Arian's Motion to Allow Adequate and Frequent to Access to Discovery Material and Main Law Library (Doc. 327)** as supplemented (Doc. 328). The government has not responded. By the first motion, Mr. Al-Arian complains that his legal mail is being opened outside his presence contrary to Bureau of Prisons (hereafter "BOP") regulations and program rules at FCC Coleman, that his right of access to his "attorneys" is unduly restricted because he is denied contact visits, and finally that administrators at FCC Coleman or in the BOP have placed unreasonable restrictions on his right to make "legal" calls. In the latter motions, Mr. Al-Arian adds that he has not been provided adequate access to the discovery material, in particular, the intercepted FISA communications. He further complains that he is not allowed sufficient hours each week in the main law library. Since the filing of these motions, William

357

B. Moffitt, Esquire, and Linda Moreno, Esquire, have entered their notice of appearance on behalf of Mr. Al-Arian.

Upon consideration, Mr. Al-Arian's motions are **GRANTED** in part and **DENIED** in part. Attorneys Moffitt, Moreno, (and Robert McKee) shall be permitted to have contact visits with Mr. Al-Arian in accordance with BOP regulations and the rules in effect at FCC Coleman. Legal mail from these attorneys shall be handled in strict accordance with regulations of the BOP and the rules in effect at FCC Coleman. Mr. Al-Arian shall be permitted to make unmonitored legal calls to Mr. Moffitt, Ms. Moreno, (and Mr. McKee) in accordance with BOP regulations and the rules in effect at FCC Coleman. However, because Mr. Al-Arian has declined the court's request to identify an actual attorney-client relationship with several other persons he claims are his attorneys and the court has no indication that there is an attorney-client relationship with any of persons, the court declines to order the BOP or officials at FCC Coleman to permit contact visits or to otherwise alter their usual rules and practices.

Regarding Mr. Al-Arian's complaints that he is permitted inadequate time to listen to the FISA intercepted communications, the court is aware of the current circumstances and has requested that the United States Marshal and officials at FCC Coleman work to find other accommodations that will allow Mssr. Al-Arian and Hammoudeh more time to review the FISA intercepted communications, which require a computer for review. However, it is worth noting that Mr. Al-Arian and Mr. Hammoudeh have also been provided copies of FISA intercepted communications made later during the investigation which require only an MP3

player, and this equipment has been made available to the Defendants, full time, in their cell. These Defendants are not without discovery that they can be reviewing. The court expects that officials at FCC Coleman will continue to provide these Defendants such discovery on a regular and consistent basis and the court will continue to monitor this situation.

Mr. Al-Arian's request that he be given additional time to visit the main law library is denied. Heretofore the court entered an order requiring that he be given access to the main library at FCC Coleman, but the Order was predicated on his *pro se* status and his need to conduct research in preparation of his defense. Now that counsel have entered an appearance on Mr. Al-Arian's behalf, it is their responsibility to do the necessary research and file the appropriate pleadings. In these circumstances, it is unnecessary for the court to order any additional access to the main law library at FCC Coleman. Absent further showing, the court's Order requiring that Mr. Al-Arian be granted regular access to the main library is rescinded. Mr. Al-Arian should now look to his counsel to provide any needed legal material. To the extent not granted herein, the motions are denied without prejudice.

Done and Ordered in Tampa, Florida, this 31st day of October 2003.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

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F I L E C O P Y

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