

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:17-cr-18-Orl-40KRS

NOOR ZAHI SALMAN

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**ORDER**

This cause is before the Court on Defendant Noor Salman's Unopposed Motion to File Suppression Motion and Its Supporting Exhibits Under Seal. (Doc. 102). Upon due consideration, the Defendant's motion is granted.

**I. BACKGROUND**

Defendant Noor Salman is charged with aiding and abetting the attempted provision and provision of material support to a foreign terrorist organization, in violation of 18 U.S.C. §§ 2339B(a)(1)—(2), and obstruction of justice, in violation of 18 U.S.C. § 1512(b)(3). (Doc. 1). The matter is set for trial on the March 2018 term, and, in anticipation of the pending date-certain trial, the Court entered a scheduling order that sets deadlines, *inter alia*, for the submission of pretrial motions. (Doc. 48). Pursuant to the Amended Scheduling Order, motion to suppress evidence must be filed by September 1, 2017. (*Id.* at p. 2).

In anticipation of the deadline for her motion to suppress evidence, Defendant Salman moves this Court for an Order authorizing her to file the motion and supporting

exhibits under seal.<sup>1</sup> Counsel for the Defendant proffers that the suppression motion will reference “1) Police Reports; 2) 302 Reports drafted by the F.B.I.; 3) the Defendant’s Declaration; and 4) a Report concerning the Defendant’s mental condition.” (Doc. 102, p. 2).

## **II. STANDARD OF REVIEW**

Generally speaking, the public possesses a common-law right to inspect and copy judicial records and public documents. *In re Alexander Grant & Co. Litig.*, 820 F.2d 352, 355 (11th Cir. 1987). However, the public’s right to court records is not absolute. *Chi. Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1311 (11th Cir. 2001). The right of access to judicial records may be rebutted by a showing of “good cause,” and the trial court is required to “balance the asserted or historical right of access against the other party’s interest in keeping the information confidential.” *Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1246 (11th Cir. 2007); *see also In re Search of Office Suites for World and Islam Studies*, 925 F. Supp. 738, 742 (M.D. Fla. 1996). In balancing these competing interests, the Court considers a number of factors, including whether public access to the materials would harm a legitimate privacy interest or impair court functions. *Fed. Trade Comm’n v. Alcoholism Cure Corp.*, No. 3:10-cv-266-J-34TEM, 2010 WL 4840046, at 3 (M.D. Fla. Nov. 23, 2010).

## **III. DISCUSSION**

Defendant Salman offers as good cause the potential impact on the prospective jury pool if the documents supporting her motion to suppress were to be made public,

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<sup>1</sup> The Court presumes that the Government will similarly file their response and supporting materials under seal, and permission to do so is granted without the necessity of a formal request.

particularly where the parties disagree about the admissibility of the contested statements. (Doc. 102, p. 3). Balancing the historic right of the public to access judicial records against the potential harm to the Defendant's right to a fair trial, the Court agrees that the Defendant's motion to suppress and related exhibits, and the Government's response in opposition and associated attachments, should be filed under seal. Admittedly, once the jury has been empaneled and has been instructed to avoid listening to media coverage of the proceedings, the justification for the order sealing these materials may no longer exist.

#### **IV. CONCLUSION**

For the foregoing reasons, Defendant's Unopposed Motion to file Suppression Motion and its Supporting Exhibits Under Seal (Doc. 102) is **GRANTED**.

**DONE AND ORDERED** in Orlando, Florida, on August 31, 2017.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties