

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
 v.)
) 1: 01-cr-455 (LMB)
ZACARIAS MOUSSAOUI,)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid al Sahrawi,")

ORDER

Acting pro se, defendant Zacarias Moussaoui ("Moussaoui" or "defendant") has filed two pleadings. In the first pleading, received on April 6, 2020, Moussaoui expresses his dissatisfaction with how the Bureau of Prisons ("BOP") is administering the Special Administrative Measures (SAM) which apply to him. In particular, he complains that the SAM is interfering with his ability to communicate with potential counsel who he wants to represent him in an effort to vacate his guilty plea.

In the second pleading, received on April 21, 2020, defendant alleges being the subject of a death threat by a terrorist who wants to prevent him from "testifying for the 911 victims and the 911 trial in Gitmo," and repeats his request for this Court to modify his SAM to enable him to receive communications from the ACLU and attorneys who he is trying to interest in assisting him with his effort to vacate his guilty plea.

This Court does not have control over how the BOP manages this defendant's incarceration. Although a SAM was imposed on the defendant while he was in custody in this

district during his trial proceedings, he is now in the custody of the BOP. As the attachment to the first pleading shows, this Court no longer has any jurisdiction to address the SAM. Titled as a "Notice" to the defendant, the subject of that document is "Notification of Modification of Special Administrative Measures (SAM)," and shows that the modification was authorized by the Attorney General of the United States, after consulting with the prosecutors in this district and the FBI. The Court was not consulted, nor should it have been.

To the extent the defendant believes that any right to counsel is being improperly limited by the facility where he is housed or that his life is in jeopardy at that facility, he must address such issues through the institution's grievance procedure or litigation in the appropriate federal court in the jurisdiction where his prison is located. Raising these issues with this Court in an act of futility.

For all these reasons, it is hereby

ORDERED that the two pleading [Dkt. No. 1934 and 1935] be and are DENIED.

To appeal this decision defendant must file a written Notice of Appeal within fourteen (14) days of the date of this Order. Failure to timely file a notice of appeal waives defendant's right to appellate review of this decision.

The Clerk is directed to forward copies of this Order to counsel of record and defendant, pro se.

Entered this 23rd day of April, 2020.

Alexandria, Virginia

ls/ LMB

Leonie M. Brinkema
United States District Judge