

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 01-455-A
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

ORDER

In its Motion for Stay (Docket #741), the United States requests that we vacate the June 30, 2003 trial date and suspend all pretrial proceedings in this matter pending the resolution of its appeal of our Order of January 31, 2003.¹ Standby counsel do not oppose a continuation of the trial date as proposed by the United States, but suggest that the Court exercise its discretion to rule on any pending pretrial matters - "particularly those where a ruling adverse to the government could spark another appeal." Mr. Moussaoui objects to the scheduling of another trial date until the issue on appeal is resolved (Docket #751).

Given the pending interlocutory appeal, we find that the current trial schedule is no longer practicable, and agree with the defendant that it would be unreasonable to commit to new dates until the appellate process has run its course. To

¹ In a proposed order attached to its Motion for Stay, the United States suggests that we continue jury selection to an undetermined date in September, 2003 with opening statements to take place on an undetermined date in October, 2003.

facilitate the prompt and efficient resumption of the trial schedule, however, the Court will continue to resolve pretrial matters during the pendency of the appeal, including any issues concerning the use, relevance or admissibility of classified information pursuant to the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3. Accordingly, the United States' Motion for Stay is GRANTED in part and DENIED in part; and it is hereby

ORDERED that the May 27, 2003 date for the beginning of jury selection and the June 30, 2003 trial date be and are VACATED; and it is further

ORDERED that counsel for the United States and standby defense counsel submit a proposed CIPA schedule by Thursday, February 20, 2003.

The Clerk is directed to remove this case from the trial calendar and forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 12th day of February, 2003.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia