

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

UNITED STATES OF AMERICA,

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

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

_____ /

**EMERGENCY MOTION TO TRANSPORT SAMI AL-ARIAN FROM USP
COLEMAN TO HILLSBOROUGH COUNTY JAIL**

COMES NOW, the accused, SAMI AMIN AL-ARIAN, by and through his undersigned counsel, and moves this Honorable Court for the entry of an Order immediately directing the United States Marshall to transport Dr. SAMI AL-ARIAN to Hillsborough County Jail at Orient Road in order to prepare for trial. As grounds for the foregoing, counsel offers the following:

1. The accused is currently in solitary confinement at USP Coleman in the Secured Housing Unit (SHU). He is the only pretrial detainee in the prison.
2. In the last two months, there have been two prison lockdowns, caused by disturbances from other inmates. During these lockdowns, Dr. Al-Arian has not been permitted to see anyone. Counsel for Dr. Al-Arian was allowed to see him only once during these lockdowns; absolutely no phone calls were permitted between attorney and client. Consequently, Dr. Al-Arian's opportunity to prepare for trial with counsel has been prohibited.

3. During these lockdowns, Dr. Al-Arian has been confined to his cell 24 hours each day, with no opportunity for recreation or exercise outside his cell.
4. Moreover, in the last two months, Dr. Al-Arian, who is a diabetic, has had his condition checked only two times. By contrast, when he is housed at Orient Road Jail, his health is monitored twice *per day*.
5. Recently, fellow inmates, all *convicted felons*, in the SHU set fire to their bunks and flooded their cells. Dr. Al-Arian suffered through smoke inhalation and the predictable circumstances of the havoc wreaked by such flooding.
6. Many of these issues were brought to the attention of Magistrate McCoun. On Friday, January 14, 2005, the Magistrate informed the undersigned counsel that he had directed the United States Marshall to transport Dr. Al-Arian to Hillsborough County “as soon as possible”.
7. In the intervening time, counsel for the Accused phoned Mr. Brian Lord, of the United States Marshall’s Service, and inquired when we could expect Dr. Al-Arian in Hillsborough. His response was that he would not inform counsel of that date for “security reasons” and terminated the call.
8. A week went by with Dr. Al-Arian still in lockdown at USP Coleman when the undersigned phoned Mr. Lord again requesting information about Dr. Al-Arian. Mr. Lord replied that he would not inform counsel and, further, that “if Hillsborough County Jail did not want Al-Arian, he might just have to go to Hernando.” Counsel understood that the United States Marshall was suggesting they would transport Dr. Al-Arian to a distant Hernando County, interfering substantially with the Accused’s access to counsel.

9. Dr. Al-Arian is being denied any real opportunity to confer with counsel and prepare for his upcoming trial, in violation of his Constitutional rights. In addition, Dr. Al-Arian is subjected to inhumane prison conditions wholly unacceptable for a pretrial detainee.
10. Further, the United States Marshall has been non-responsive to a directive from the Magistrate to transport Dr. Al-Arian to Hillsborough County Jail “as soon as possible”.

WHEREFORE, the Accused respectfully requests this Honorable Court grant this motion and enter an Order directing the United States Marshall to transport Dr. Al-Arian to Orient Road County Jail as soon as possible.

Dated: 27 January 2005

Respectfully submitted,

/s/ Linda Moreno
LINDA MORENO, ESQ.
1718 E. 7th Avenue; Suite 201
Tampa, Florida 33605
Telephone: (813) 247-4500
Telecopier: (813) 247-4551
Florida Bar No: 112283

WILLIAM B. MOFFITT, ESQ.
(VSB #14877)
Cozen O’Connor
1667 K Street, NW
Washington, D.C. 20006
Telephone: (202) 912-4800
Telecopier: (202) 912-4835

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th of January, 2005, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno
Linda Moreno
Attorney for Sami Al-Arian