

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.:</b>
	:	
<b>v.</b>	:	<b><u>UNDER SEAL</u></b>
	:	
<b>Ahmed Abu Khatallah,</b>	:	
<b>also known as Ahmed Mukatalah,</b>	:	
	:	
<b>Defendant.</b>	:	

**ORDER TO SEAL**

Having considered the Government’s Motion to Seal the Criminal Indictment and to Delay Entry on the Public Docket of the Filing of this Motion to Seal and the Court’s Order to Seal (“Motion to Seal”), and for good cause stated therein, the Court makes the following findings of fact:

**FINDINGS OF FACT**

1. In consideration of the criteria set forth in *United States v. Hubbard*, 650 F.2d 293, 315 (D.C. Cir. 1981), and the representations made in the Motion to Seal, which this Court adopts as findings of fact, this Court finds that the sealing of the Indictment, the Motion to Seal, and this Order to Seal, is warranted. Considering the *Hubbard* factors, this Court finds that there is no demonstrable public need to access these documents at the present time, nor has the public had prior access to the relevant documents. Furthermore, there has been no objection raised as to the sealing of this matter. The party that has a privacy interests in these documents—the United States—would be served by this Order to Seal. The documents have not been introduced as evidence in court for any purpose and disclosure of the documents at this time could undermine the purpose of the Indictment.

2. Sealing the Indictment, the Motion to Seal, and this Order to Seal in the above-captioned matter presents an extraordinary situation and will further legitimate prosecutorial interests. The public docketing at this time of the Indictment, the Motion to Seal, and this Order to Seal, could potentially have an adverse effect on sensitive operational considerations and the safety of witnesses. Accordingly, these facts present a legitimate basis for sealing the Indictment, the Motion to Seal, and this Order to Seal.

Based on the foregoing Findings of Fact, the Motion is hereby

GRANTED, and it is hereby

ORDERED that, in the above-captioned matter, the Indictment, the Motion to Seal, and this Order to Seal shall be sealed by the Clerk of the Court, except that the United States Government may disclose the existence and/or contents of the Indictment and this Order to Seal to appropriate law enforcement, diplomatic, intelligence, military, INTERPOL or other personnel, both in the United States and internationally, to the extent that such disclosure is in furtherance of national security or discussions relating to the defendant's transportation, custodial status, or detention.

It is FURTHER ORDERED that the Clerk's office shall not make any entry on the public docket in this case of the Indictment, the Motion to Seal, and this Order to Seal, until further Order of this Court.

It is FURTHER ORDERED that the Indictment shall be unsealed upon oral motion of the Government to the Court at the defendant's initial appearance in this case.

It is FURTHER ORDERED that the Clerk of the Court shall provide to the United States Attorney's Office certified copies of the Indictment, the Motion to Seal, and the instant Order to

Seal, upon request.

Date: \_\_\_\_\_

\_\_\_\_\_  
JOHN M. FACCIOLA, MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT

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