

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

UNITED STATES OF AMERICA,)	
)	
v.)	
)	1:04-cr-385 (LMB)
ALI AL-TIMIMI,)	
)	
Defendant.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, defendant Ali Al-Timimi’s (“defendant” or “Al-Timimi”) Motion for Release from Custody Pending Appeal [Dkt. 465] is GRANTED, and it is hereby

ORDERED that the Bureau of Prisons (“BOP”) immediately place Al-Timimi in a 14-day quarantine after which he must be released and must fully comply with the following conditions of release:

1. He must serve the entirety of his term of release pending appeal under home confinement in his mother Dr. Sehara Al-Timimi’s home in Washington, D.C. with electronic monitoring or global positioning satellite (“GPS”) tracking. Al-Timimi is allowed out of his mother’s home only for the following reasons: (a) to meet with his Probation Officer; (b) to meet with his legal counsel; (c) to appear at any court hearings; (d) to attend to any of his medical needs; and (e) to attend religious services on Fridays. Al-Timimi must give advance notice to his Probation Officer of any departure from his mother’s home, including departure for the reasons listed above, and must receive advance approval from the Court for any departure from his mother’s home for any other reason. Al-Timimi must pay the costs of the electronic monitoring or GPS tracking to the extent he is able and must fully comply with the Probation Office’s policies governing the monitoring. The Probation Office will immediately alert the designated officials at the Federal Bureau of Investigation if Al-Timimi violates any of these travel restrictions.¹

¹ The request that Al-Timimi be allowed to exercise outside of his mother’s home by walking in the neighborhood is not unreasonable; however, until he has settled into supervision, this request will not be granted. It may be renewed in the future.

2. He must contact United States Probation Office Home Confinement/Location Monitoring Specialist Jeffrey M. Smihal at 703-366-2103 no later than two business days after being released from BOP custody to arrange for the installation of the electronic monitoring or GPS tracking device.
3. He must not possess or use any device to access any online computer services at any location, including any internet service providers, bulletin board systems, and any other public or private computer network, without the prior approval of his Probation Officer.
4. He must comply with the requirements of the Probation Office's computer monitoring program, and must consent to the installation of computer monitoring software on any computer to which he has access. The software will be installed by the supervising Probation Officer and it will restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations, with the exception of any communications between Al-Timimi and his legal counsel. A notice will be placed on the computer at the time of the software's installation to warn others of the existence of the software. Al-Timimi must also notify others of the existence of the software, and must not remove, tamper with, reverse engineer, or in any way circumvent the software.
5. He shall not have on-line communications in any language other than English unless approved in advance by his Probation Officer, and he must not have any communications with: (a) any of the other defendants prosecuted as a result of conduct originating at the Dar al-Arqam Islamic Center; (b) any of the witnesses who testified at his trial; (c) any of the jurors at his trial; or (d) any cooperating witness whose identity was revealed during the litigation of his Motion for Release from Custody Pending Appeal.

The Clerk is directed to forward copies of this Order and the accompanying Memorandum Opinion to counsel of record, United States Probation Officers Jeffrey M. Smihal and Franklin Weaver, and the United States Marshals Service.

Entered this ¹⁸18 day of August, 2020.

Alexandria, Virginia

/s/ LMB

Leonie M. Brinkema
United States District Judge