

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 26 2014 ★
BROOKLYN OFFICE

SDD:SPN
F. #2014R00158

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -




SEALED ORDER TO CLOSE
COURTROOM AND FILE
DOCUMENTS UNDER SEAL

14-CR-612

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Upon consideration of the joint motion of the United States of America and the defendant , filed under seal, for an Order: to close the courtroom during the defendant's change-of-plea proceeding, to use the name "John Doe" in place of the defendant's true name in the case's caption, and to seal the transcript of that proceeding and this Order;

Having scheduled a public hearing on the motion and notified the public of the hearing by listing the date, time and location of the hearing on the public docket and the Court's public calendar; and

Having held a public hearing on the motion at which the parties and any intervenors were provided an opportunity to be heard;

Based on the submissions of the parties, the Court makes the following findings:

1. There is a substantial probability that a public proceeding would prejudice a compelling interest of the government in the integrity of significant government activities entitled to confidentiality, including ongoing investigations of serious criminal activity;

2. There is a substantial probability that a public proceeding would prejudice a compelling interest of the government in gathering information of potential importance to national security, and the compelling interest in preventing harm to persons and property;

3. No reasonable alternatives to closure of the courtroom exist that can adequately protect the compelling interests that would be prejudiced by a public proceeding, identified above; and

4. The prejudice to the compelling interests identified above overrides the public's and the media's qualified First Amendment right to access the change-of-plea proceedings.

Accordingly, pursuant to United States v. Alcantara, 396 F.3d 189 (2d Cir. 2005), and United States v. John Doe, 63 F.3d 121 (2d Cir. 1995),

IT IS ORDERED that the motion to close the courtroom during the defendant's change-of-plea proceeding, to use the name "John Doe" in place of the defendant's true name in the case's caption, and to seal the transcripts of the proceeding and this Order is hereby granted;

IT IS FURTHER ORDERED that the closure of the courtroom be tailored by requiring the government, with advance notice to the defendant, to disclose the transcript as required by Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), 18 U.S.C. § 3500 and/or Rule 16 of the Federal Rules of Criminal Procedure;

IT IS FURTHER ORDERED that the closure of the courtroom be tailored by requiring the government and the defendant to move this Court to unseal the transcript of the proceeding and substitute the defendant's true name for "John Doe" in the caption when the prejudice to the parties' interests no longer outweighs the public's qualified right to access; and

IT IS FURTHER ORDERED that the public docket will immediately be amended to reflect the occurrence of the hearing on the motion to close the courtroom, the disposition of the motion and the fact of courtroom closure. *The docket sheet shall not include the defendant's name or list the pending charges.*
SO ORDERED.

Dated: Brooklyn, New York
November 25, 2014


/ THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK