

FILED: November 19, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

**No. 03-4792
(CR-01-455)**

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

versus

ZACARIAS MOUSSAOUI,

Defendant - Appellee.

ORDER

The Government's motion to seal oral argument is granted in part and denied in part.

Oral argument in this appeal will be bifurcated. The first portion of oral argument will take place in a courtroom open to the press and general public, and will commence at 10:00 a.m. on December 3, 2003. The following issues, and only the following issues, will be discussed during that portion of the argument:

- Whether this court has jurisdiction over the appeal;
- Whether compulsory process reaches an enemy combatant held overseas;
- Whether, assuming an enemy combatant held overseas can be reached by process, separation of powers concerns obliged the district court to refrain from ordering production of such a person;

- Whether, if the answer to the preceding question is “yes,” Moussaoui remains entitled to a remedy; and
- Whether the Government, by requesting a sanction of dismissal, has waived its right to challenge the sanction actually imposed by the district court.

The open session of oral argument will be followed by a sealed hearing, which will commence at 2:00 p.m. on Wednesday, December 3. Argument on all issues involving the discussion of classified information will be reserved to this hearing.

For the Court

/s/ Patricia S. Connor

Clerk