

FILED: July 25, 2002

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4571
(CR-01-455)

In Re: Zacarias Moussaoui,

Petitioner.

O R D E R

The petition for emergency issuance of extraordinary writs of mandamus, prohibition and injunction is denied.

Entered at the direction of Judge Wilkins with the concurrence of Judge Williams. Judge Gregory concurs in part and dissents in part.

For the Court

/s/ Patricia S. Connor

Clerk

GREGORY, Circuit Judge, concurring in part and dissenting in part:

I agree that we should deny all relief requested in the petition for extraordinary writs, with the exception of Mr. Freeman's request to meet with Mr. Moussaoui at the detention center prior to Mr. Moussaoui's attempt to enter a guilty plea.

The district court's only stated reason for denying Mr. Freeman's request to meet with Mr. Moussaoui was Mr. Freeman's failure to seek admittance to the Eastern District of Virginia pro hac vice by June 28, 2002. Failure to be admitted pro hac vice, in and of itself, is insufficient to deny an accused access to meet with an attorney prior to entering a plea. Mr. Freeman was granted access to Mr. Moussaoui in May. There may be other reasons now why Mr. Freeman should be denied access to Mr. Moussaoui, and the district court should consider any other relevant reasons, but mere failure to comply with local rules regarding court appearances is insufficient.