

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER
[UNDER SEAL]
April 23, 2015

O'TOOLE, D.J.

This Order resolves various pending motions to seal filed by the parties.

1. The parties' motions to seal materials related to motions in limine and trial management (dkt. nos. 1291, 1292, 1301, 1303, 1305, 1311, and 1323) are GRANTED at this time as they respond to motions currently under seal, identify witnesses which have not yet been publicly disclosed, involve information which is not or may not ever be admitted into evidence, and/or relate to information the defense has sought to be addressed privately at sidebar.
2. The defendant's motion to seal his List of Mitigating Factors and Request Regarding Preliminary Instructions (dkt. no. 1300) is GRANTED in part and DENIED in part. The defendant's argument regarding preliminary sentencing instructions (dkt. no. 1300-1) need not be filed under seal, as prior proposed sentencing instructions have been filed publicly and there is no specific information in the document that justifies withholding from the public. The defendant's List of Mitigating Factors (dkt. no. 1300-2) may be filed

under seal at this time based upon the representations and argument of defense counsel at the lobby conference on the subject.

3. The defendant's motion to seal his Motion to Compel Production of Grand Jury Testimony and/or Recorded Statements by Defense Witnesses (dkt. no. 1313) is DENIED. Although the proposed sealed motion relates to discovery, previous motions to compel have been filed publicly. The government's motion to seal its opposition to the defendant's motion (dkt. no. 1322) is likewise denied. The opposition refers generally to the grand jury proceedings, but does so only in broad terms and without any details.
4. The defendant's motion to seal his motion to compel immigration parole of defense witness Elmirza Khozhugov (dkt. no. 1312) is GRANTED as it relates to a defense witness the defendant argues must remain nonpublic at this time and touches upon security-related decisions made by the Department of Homeland Security in the course of regulating immigration.
5. The government's motion to seal its motion for an order authorizing release of the defendant's computed tomography scans (dkt. no. 1321) is GRANTED in order to protect information related to the medical treatment of the defendant.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge