

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**ABU AGILA MOHAMMAD
MAS'UD KHEIR AL-MARIMI,**

Defendant.

:
:
:
:
:
:
:
:

Criminal No. 22-CR-392 (DLF)

FOURTH CIPA § 4 ORDER (SUMMARIES)

**UNCLASSIFIED ORDER APPROVING SUMMARY OF CLASSIFIED INFORMATION
PURSUANT TO CIPA § 4 AND FEDERAL RULE OF CRIMINAL PROCEDURE
16(d)(1)**

This matter has come before the Court on the Government's Fourth Classified *In Camera*, *Ex Parte* Motion for an Order Pursuant to § 4 of the Classified Information Procedures Act (CIPA), and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, filed June 23, 2025 (Fourth CIPA Motion). Having reviewed the government's Fourth CIPA Motion and attachments and the relevant law, and being fully advised in the premises, the Court concludes that good cause exists for granting, in part, the motion of the United States. After *ex parte*, *in camera* inspection and consideration of the government's motion and attachments, the Court concludes that:

1. On June 23, 2025, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, filed its Fourth CIPA motion *ex parte*, *in camera* and under seal, pursuant to § 4 of CIPA 18 U.S.C. App. 3, and Fed. R. Crim. P. 16(d)(1). The Fourth CIPA Motion addresses certain classified materials (collectively, "the Classified Information").

2. In the Fourth CIPA Motion, the government seeks authorization, pursuant to 18 U.S.C. App. 3 § 4 and Fed. R. Crim. P. 16(d)(1), to provide 12 classified summary substitutions of a subset of the Classified Information (the “Classified Information for Substitution”) that the government has determined is at least arguably relevant and helpful to the defense.

3. Through one or more declarations of a United States Government official that the government submitted with the Fourth CIPA Motion, the government has properly invoked its classified information and national security privilege with respect to the Classified Information.

4. The Fourth CIPA Motion was properly filed *ex parte*, *in camera*, for this Court’s review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The Court has conducted an *ex parte*, *in camera*, review of the classified Fourth CIPA Motion, declaration, and attachments.

5. Additionally, on October 14 and October 15, 2025, the Court held two classified, *ex parte*, *in camera*, under seal hearings with counsel for the government. Those hearings were recorded, and transcripts of those hearings shall be retained in accordance with established security procedures until further order of this Court.

6. The disclosure of the Classified Information at this time reasonably could be expected to cause serious, and in some cases, exceptionally grave damage to the national security of the United States.

7. The “relevant and helpful” standard applied to CIPA § 4 by *United States v. Yunis*, 867 F.2d 617 (D.C. Cir. 1989) (and originally articulated in *United States v. Roviato*, 353 U.S. 53 (1975)), is the appropriate standard by which to analyze the discoverability of classified information where, as here, the government has properly invoked the national security and classified information privilege.

7. The Court finds that the government's proposed summary of the Classified Information for Substitution adequately protects the Defendant's interests and may be provided to the defense in lieu of the underlying classified documents. *See United States v. Rezaq*, 134 F.3d 1121, 1142-43 (D.C. Cir. 1998) (approving district court's CIPA substitution rulings where "[n]o information was omitted from the substitutions that might have been helpful to Rezaq's defense"); *United States v. Dumeisi*, 424 F.3d 566, 578 (7th Cir. 2005) (approving substitution of unclassified summary in place of classified information); *United States v. Rahman*, 870 F.Supp. 47, 53 (S.D.N.Y. 1994) ("[I]t is sufficient to disclose the substance of the information [in the CIA's possession] The document itself need not be disclosed.").

Accordingly, pursuant to § 4 of the Classified Information Procedures Act, 18 U.S.C. App. 3, and Fed. R. Crim. P. 16(d)(1), IT IS HEREBY ORDERED that:

1. The Fourth CIPA Motion is hereby GRANTED in part.
2. The classified summaries of the Classified Information for Substitution may be provided to the defense in lieu of the underlying classified documents.
3. The Fourth CIPA Motion and attachments, and the transcripts of the October 14 and 15, 2025, hearings, are hereby SEALED and shall be retained in accordance with established security procedures until further order of this Court.

SO ORDERED this 17th day of October, 2025.

Dabney L. Friedrich



DABNEY L. FRIEDRICH
UNITED STATES DISTRICT JUDGE