


an Order compelling BOP to produce all BOP files on a regular basis (weekly) to counsel for Mr. Tsarnaev.¹

In addition, BOP counsel Les Owens advises that while defense counsel must obtain a release for medical files, and a court order for production of the remaining BOP files, all of these files are freely available to the prosecution, simply upon their request and without a court order. Defense counsel object to this unrestricted, free access to information regarding their client in this potential capital prosecution, and seek a protective order from this court, prohibiting FMC Devens/BOP from providing any files regarding Mr. Tsarnaev, absent an opportunity for defense counsel to object, and following a specific order of this Court directing the production.

This motion is based upon the Fifth, Sixth and Eighth Amendments to the U.S. Constitution, and is filed *ex parte* and under seal in order to protect defense work product.

DATED: May 7, 2013



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¹ Regular production will aid counsel in monitoring their client's status, medical condition, and potential treatment needs, as well as understanding his adjustment to incarceration.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEALED/EX PARTE

UNITED STATES OF AMERICA,)	
)	Crim. No. 13-2106 MBB
)	
v.)	ORDER RE PRODUCTION OF
)	BOP RECORDS
)	
DZOHKHAR TSARNAEV)	

Before the Court is defendant’s *ex parte*, sealed motion for an Order Compelling the Bureau of Prisons to Provide Copies of the Defendant’s Files to Counsel on a Weekly Basis, and to restrict access to the prosecution.

Having reviewed the motion and good cause appearing therefor, the Court hereby grants the request, and ORDERS the Bureau of Prisons to provide the Defendant’s BOP files – including the medical file, the daily activity logs, suicide watch logs, psychology data systems files, photographs, commissary file, the “yellow file”, medication log, and the BOP “central file.” The Court further ORDERS the Bureau of Prisons not to produce any files regarding Mr. Tsarnaev to the U.S. Attorney’s office or other law enforcement agency involved in the prosecution of Mr. Tsarnaev absent further order of this Court.

IT IS SO ORDERED.

Dated: _____

Honorable Marianne B. Bowler
United States Magistrate Judge