

United States District Court
Southern District of Florida

United States of America,)	
)	
v.)	Criminal Case No. 19-20450-CR-Scola
)	
Alex Nain Saab Moran,)	
Defendant.)	

Order Granting in Part and Denying in Part the Defendant’s Motion to Enforce Rule 53 and to Limit Zoom Access

This matter is before the Court on Defendant Alex Nain Saab Moran’s motion to enforce Rule 53 and to limit Zoom access. (Mot., ECF No. 59.) The Government filed a response in opposition (Resp. in Opp’n, ECF No. 65), and Saab Moran timely filed a reply. (Reply, ECF No. 67.) For the reasons explained below, the motion is **granted in part and denied in part**.

On October 18, 2021, Saab Moran made his initial appearance before United States Magistrate Judge John O’Sullivan. (Minute Entry, ECF No. 58.) Judge O’Sullivan conducted the proceedings via Zoom¹ and ordered all participants, including members of the press, to strictly adhere to Federal Rule of Civil Procedure 53, which prohibits photographing, videorecording, or broadcasting Court proceedings unless permitted by the Court. (Mot., ECF No. 59 at 2.) Despite Judge O’Sullivan’s express order, several members of the press, identified in Exhibit A to the motion, published photographs of Saab Moran wearing a prison jumpsuit and in shackles at the Federal Detention Center. (*Id.*)

In the subject motion, Saab Moran makes two requests: First, Saab Moran asks the Court to “enforce Rule 53 and prevent the [future] publication of photographs and videos which Rule 53 prohibits.” (Mot., ECF No. 59 at 8.) Specifically, Saab Moran asks the Court to limit attendance at upcoming videoconference hearings to “only necessary parties, the Defendant’s family, and reputable news organizations . . .” (*Id.*) Second, Saab Moran requests that the Court refer the violators of Judge O’Sullivan’s order to the United States Attorney’s Office for an investigation. (*Id.* at 9.) The Government opposes the motion in so far as it requests limitations to the public’s access to video conference proceedings. The Government argues that any further risk of

¹ The CARES Act, authorizes the broadcasting of certain criminal proceedings, including initial appearances, via video conference. Pub. L. No. 116-136, 134 Stat. 281 (2020); *see also United States v. Flores-Bocanegra*, No. 21-80052-CR-AMC, 2021 WL 1215820, at *1 (S.D. Fla. Apr. 1, 2021) (Matthewman, J.).

photographs of the proceedings is diminished by in-person hearings. (Resp. in Opp'n, ECF No. 65 at 4.) The Government does not oppose Saab Moran's second request. The Government represents that while it is not aware of any violations of Judge O'Sullivan's order, it will appropriately inquire into any such violations. (*Id.*)

Saab Moran's first request is **denied as moot**. Considering the reduced number of Covid-19 cases and increased vaccination rates in the South Florida community, the Court intends to conduct all proceedings in this action in person.² Accordingly, any further risk of improper photographing of videoconference proceedings is nonexistent.

Moreover, Saab Moran's second request is **granted**. The Court refers to the United States Attorney's Office for the Southern District of Florida those individuals identified in Exhibit A for an investigation into their alleged willful violations of Judge O'Sullivan's order prohibiting photographing and broadcasting at Saab Moran's initial appearance.

For these reasons, Saab Moran's motion is **granted in part and denied in part. (ECF No. 59.)**

Done and ordered in Miami, Florida on November 10, 2021.



Robert N. Scola, Jr.

United States District Judge

² <https://www.mayoclinic.org/coronavirus-covid-19/map/florida> (last visited on November 9, 2021) (depicting decrease in Covid-19 infections in Florida); <https://www.nytimes.com/interactive/2021/us/florida-covid-cases.html> (showing 9 percent decrease in reported Covid-19 cases reported in Miami-Dade County and an increase in vaccination rate to 76% of the population in Miami-Dade County) (last visited on November 9, 2021).