

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Abu Agila Mohammad Mas’ud Kheir Al-Marimi

Criminal No. 22-cr-392 (DLF) (D.D.C. Jan. 27, 2026) · No. Criminal No. 22-cr-392 (DLF) · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Columbia grants the parties’ unopposed proposals to use a redacted transcript and portions of an audio recording of a sealed Rule 15 deposition at a suppression hearing. The court concludes that the proposal is permissible under either the First Amendment access framework or the common-law Hubbard factors because it protects fair-trial, safety, and witness-related interests while preserving public access. The court orders the parties to propose necessary redactions and file a redacted transcript by the conclusion of the suppression hearing.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Dabney L. Friedrich
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 29, 2026
DOCKET	Criminal No. 22-cr-392 (DLF)
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the defendant’s unopposed motion to introduce a redacted transcript of a sealed Federal Rule of Criminal Procedure 15 deposition at an upcoming suppression hearing and the government’s unopposed proposal to introduce a redacted audio recording and redacted transcript.
STANDARD OF REVIEW	The court applied the First Amendment standard for partial closure of a judicial proceeding and, alternatively, the common-law Hubbard factors governing the sealing of judicial records.
PRECEDENTIAL VALUE	Published district court memorandum opinion and order; persuasive authority within the District of Columbia but not binding precedent on appellate courts.

TOPICS

criminal procedure

suppression of evidence

first amendment

evidence

PRACTICE AREAS

criminal procedure

constitutional law

evidence

public access to judicial records

QUESTIONS PRESENTED

1. Whether the court could admit a redacted transcript and audio recording of a sealed Rule 15 deposition in lieu of duplicative live testimony at a suppression hearing consistent with the public's First Amendment right of access.
2. Whether the proposed redactions and partial sealing satisfied the First Amendment closure test.
3. Alternatively, whether the proposed treatment of the deposition materials satisfied the common-law judicial-records sealing factors identified in *United States v. Hubbard*.

HOLDINGS

1. The court may substitute a redacted, non-video transcript and audio recording of the Rule 15 deposition for duplicative live testimony at the suppression hearing when the procedure is narrowly tailored to protect compelling fair-trial, presumption-of-innocence, safety, and witness-availability interests while preserving meaningful public access.
2. The proposed partial closure satisfied the First Amendment standard because it served compelling interests, those interests faced a substantial probability of harm absent closure, and no less restrictive alternative would adequately protect them.
3. Alternatively, the proposed partial sealing satisfied the six-factor balancing test for sealing judicial records under *United States v. Hubbard*.

KEY QUOTATIONS

“Under either analysis, the proposal is appropriately tailored to protect the interests of both the defendant and the government, while sufficiently safeguarding the public’s right of access.” (5)

“As such, the Court is satisfied that introducing Rule 15 testimony in a redacted, non-video form is the minimum closure necessary to safeguard the parties’ interests and is narrowly tailored to protect the public’s First Amendment right of access.” (7)

“the public’s common law right of access “would be more than adequately vindicated by the [parties’] proposal, in which attendees at the suppression hearing could hear testimony and all members of the public could subsequently review a [redacted] transcript.”” (8)

FACTUAL BACKGROUND

The defendant faces an evidentiary hearing on his motion to suppress an alleged confession. A sealed Rule 15 deposition was taken with the intent that portions of the testimony could be used at the suppression hearing and potentially at trial, and the deposition testimony was substantially similar to the anticipated live testimony. The parties agreed that using a redacted transcript and audio recording would protect fair-trial, presumption-of-

innocence, safety, and witness-availability interests while allowing public access to the portions relied upon in open court.

PROCEDURAL HISTORY

The defendant moved to suppress an alleged confession, and the court scheduled an evidentiary suppression hearing. Because the Rule 15 deposition testimony was substantially similar to the anticipated suppression-hearing testimony, both parties proposed using a redacted transcript in lieu of duplicative live testimony, with the government also proposing use of a redacted audio recording. The district court granted the motion and adopted the parties' proposal, directing the parties to confer on redactions and file a redacted transcript and audio recording subject to specified deadlines.

DISPOSITION

other

CASES CITED

- United States v. El-Sayegh, 131 F.3d 158, 160 (D.C. Cir. 1997)
- United States v. Brice, 649 F.3d 793, 795–96 (D.C. Cir. 2011)
- Press-Enterprise Co. v. Superior Court of California, 478 U.S. 1, 9–10, 14 (1986)
- In re Leopold to Unseal Certain Electronic Surveillance Applications & Orders, 964 F.3d 1121, 1127 (D.C. Cir. 2020)
- Nixon v. Warner Communications, Inc., 435 U.S. 589, 597–98 (1978)
- In the Matter of the Application of WP Co. LLC, 201 F. Supp. 3d 109, 117 (D.D.C. 2016)
- EEOC v. National Children's Center, 98 F.3d 1406, 1409 (D.C. Cir. 1996)
- United States v. Hubbard, 650 F.2d 293, 317–22 (D.C. Cir. 1980)
- In re Associated Press, 162 F.3d 503, 505–06, 510–13 (7th Cir. 1998)
- Matter of Public Defender Service for D.C. to Unseal Certain Records, 607 F. Supp. 3d 11, 22 (D.D.C. 2022)