

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,        )  
  )  
      Plaintiff,                        )  
  )  
v.                                        ) CR. NO. 2:10cr186-MHT-001  
  )  
MILTON E. McGREGOR, et al.        )  
  )  
      Defendants.                        )

**DEFENDANT McGREGOR'S MOTION FOR ORDER  
REQUIRING GOVERNMENT FILINGS UNDER SEAL**

Defendant Milton McGregor respectfully moves for an order that the Government must not file any document that contains or includes any allegation about McGregor or any evidence pertaining to him in any way, unless such filing is under seal.

This motion pertains, for instance, to any response the Government may file, to McGregor's request for notice of any evidence the Government might seek to admit under Fed. R. Evid. 404(b). This motion pertains also to McGregor's discovery requests. This motion pertains, even beyond that, to any document that the Government may file in this Court that includes any allegation about McGregor (with the exception of any document that does nothing more, in this respect, than quoting the indictment), or any filing by the Government that contains any statement of expected testimony, or any filing by the Government that otherwise discusses any evidence pertaining to him.

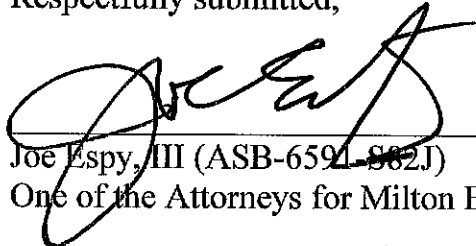
This is a very high-profile case that has already garnered an enormous amount of discussion in the news media, in online commentary, and among the public in general.

McGregor's ability to obtain a fair trial would be compromised, and this Court's work in trying to ensure a fair trial would be vastly increased, if the public discussion were poisoned through the Government's airing of a one-sided, partial, and incorrect set of allegations or information before trial.

Experience in this State has shown that, without an order of the sort we are seeking, some federal prosecutors will improperly use the press to air the prosecutors' allegations in a high-profile case. *See* Order, October 15, 2004, Doc 296, in *U.S. v. Bobo*, No. 04-C-0200A-W (N.D. Ala.), at page 3 ("The Court finds that the only purpose of filing the allegations as a matter of public record was to plant inadmissible evidence in the minds of the prospective jurors. These public filings achieved their purpose. ... [T]he jury pool was adversely affected to a substantial extent ...").

Granting this motion would not cause any cognizable harm to the Government in any respect. Granting this motion would not stop the Government from filing any document, but would only ensure that such filings are under seal so that they do not undermine the likelihood of a fair trial. If any party then seeks to unseal any sealed filing, the Court would of course be able to consider any such request.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following electronically and via regular mail, postage prepaid and properly addressed on this the 5 day of October, 2010.

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