

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

06 Cr. 442 (LAP)

v.

SYED HASHMI,

Defendant.

**MOTION FOR MODIFICATION OF MR. HASHMI'S PRETRIAL CONDITIONS
OF DETENION**

The Defendant, Syed Fahad Hashmi, through his undersigned counsel, respectfully moves this Court an Order directing the government to end the imposition of special administrative measures against Mr. Hashmi. In the alternative, the Court should make the following modifications to Mr. Hashmi's conditions of detention:

1. Permit Mr. Hashmi to have some type of interaction with fellow Muslims detained at MCC by either permitting him to have a Muslim roommate or to have a regular opportunity to congregate with fellow Muslims to study and discuss religious issues;
2. Permit Mr. Hashmi to participate in group prayer with fellow Muslims;
3. Permit Mr. Hashmi's father and mother to visit Mr. Hashmi at the same time; and
4. Permit Mr. Hashmi to have weekly family visitation hours.

The Court should order any other relief it deems just and proper. Accompanying this motion is an Affirmation and Memorandum of Law.

Dated this 19th day of December, 2008.

Respectfully submitted,

/S/

Sean M. Maher

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Affirmation of Sean M. Maher

Sean M. Maher, pursuant to 28 U.S.C. § 1746, hereby affirms under the penalties of perjury the following:

1. On June 6, 2006 Mr. Hashmi was arrested in England. On or about May 25, 2007 Mr. Hashmi was extradited to the United States from England. On May 29, 2007 Mr. Hashmi was formally arraigned on a four-count indictment and was immediately placed in the Special Housing Unit (SHU) at MCC Manhattan by the Bureau of Prisons (BOP).

2. On October 29, 2007 the Acting Attorney General placed Mr. Hashmi under special administrative measures (SAMs). Since being extradited to the United States and being detained at MCC in May of 2007, Mr. Hashmi has been in solitary confinement. The conditions of Mr. Hashmi's detention deteriorated with the imposition of the SAMs, which placed even greater restrictions on Mr. Hashmi's ability to receive family visits, to have access to reading materials and the media, and to communicate with others.

3. On November 13, 2007 Mr. Hashmi filed a motion challenging the SAMs and the pretrial conditions of detention. (Docket document 18, 11/13/07). The Court denied relief. (See Memorandum Order, Docket document 34, 1/16/08).

4. After subjecting Mr. Hashmi to an entire year of the SAMs and approximately 18 months of pretrial solitary confinement, the government renewed the SAMs on October 22, 2008. The renewed SAMs are effective for an additional "12 months."

5. As outlined in the accompanying Memorandum of Law, the Court should modify Mr. Hashmi's pretrial conditions of detention to remedy the continued violation of Mr. Hashmi's constitutional rights under the First, Fifth, Sixth, and Eight Amendments.

Dated this 19th day of December, 2008.

Respectfully submitted,

/S/

Sean M. Maher

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Counsel for Syed Hashmi

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