


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.