

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 12-60298-CR-SCOLA/O'SULLIVAN

UNITED STATES OF AMERICA

v.

**RAEES ALAM QAZI
and SHEHERYAR ALAM QAZI,**

Defendants.

**GOVERNMENT'S MOTION FOR ADDITIONAL TIME TO RESPOND
TO DEFENDANT RAEES QAZI'S ADOPTION OF DE 96**

The United States of America, by and through the undersigned Assistant United States Attorneys and Department of Justice Trial Attorney, hereby moves for additional time in order to respond to Defendant Raees Qazi's adoption of Defendant Sheheryar Qazi's Motion Requesting That This Court Declare the FISA Amendments Act of 2008 Unconstitutional (DE 96). In support of its Motion, the United States respectfully states the following:

On May 28, 2013, defendant Sheheryar Qazi filed a motion challenging the constitutionality of the FAA as a violation of the First and Fourth Amendments as well as Article III of the Constitution. (DE 96). On July 30, 2013, the government filed its Opposition to Defendant Sheheryar's motion, advising the Court that the government does not intend to use any information obtained or derived from FAA-authorized surveillance as to which defendant Sheheryar Qazi is an aggrieved person. (DE 130). Insofar as defendant Sheheryar Qazi has no standing to challenge the FAA, the government argued that the Court's decision resolving his challenge would constitute an impermissible advisory opinion. (Government's Opposition at 2). On September 10, 2013, Sheheryar Qazi filed his Reply. (DE 142).

On March 28, 2014, this Court issued an order (DE 173) requiring the Government to submit a substantive memorandum of law on the merits of Sherheryar's constitutional challenge on or before April 10, 2014.¹ On April 8, 2014, as the government was preparing to file a Motion for Reconsideration of the Court's March 28, 2014, Order or in the alternative, requesting additional time to file the ordered substantive memorandum of law, Defendant Raees Qazi filed a Motion to Adopt DE 96, the Motion to Declare FAA Unconstitutional. (DE 175). The court granted the Motion to Adopt. (DE 177).

Also on April 8, 2014, Sheheryar and Raees Qazi allegedly assaulted two Deputy United States Marshals. This incident is currently under investigation and may lead to the filing of additional criminal charges. Defense counsel for Sheheryar Qazi was present and witnessed the alleged assault. His presence as a witness to the assault creates a potential conflict of interest.

To date, the government has only responded to the issues raised in the original motion (DE 96) as they apply to Defendant Sheheryar Qazi. The government respectfully submits that it should be given the opportunity to respond to the issues raised in the original motion as they apply to Defendant Raees Qazi. The government therefore requests that the Court grant a 30-day extension of time within which to file a supplemental brief to its July 30, 2013, response to the original motion to address the issues as they apply to Defendant Raees Qazi, as well as to submit arguments supporting a Motion to Reconsider the Court's March 28, 2014 Order.

Pursuant to Local Rule 88.9, the undersigned have consulted with counsel for both defendants, who have advised that they have no objection to the government's request for additional time to respond.

¹ Although the Court's order set the due date as "Friday, April 10, 2014," (see DE 173), the government assumes that the Court intended to set a deadline of Thursday, April 10, 2014.

CONCLUSION

WHEREFORE, the United States respectfully requests that the Court grant the Motion for Additional Time to respond to allow for a submission to the Court on or before Monday, May 12, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Karen E. Gilbert
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