

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)	
Appellee,)	
)	
v.)	Docket No. 06-4494
)	
ZACARIAS MOUSSAOUI,)	
Appellant.)	
_____)	

GOVERNMENT’S UNOPPOSED MOTION TO FILE OVERSIZED BRIEF

Appellee, United States of America, respectfully requests permission from the Court, pursuant to Local Rule 32(b), to file a response brief not to exceed the greater of 200 pages or 50,000 words, the precise same size limitations accorded Appellant.

Procedural History

On October 24, 2007, Appellant moved this Court for permission to file an oversized principal brief not to exceed the greater of 350 pages or 80,000 words. The Government partially opposed the motion, respectfully submitting that a brief not to exceed 28,000 words would have been adequate.

On November 16, 2007, this Court granted Appellant leave to file an oversized brief not to exceed the greater of 200 pages or 50,000 words.

On January 17, 2008, Appellant filed his classified opening brief under seal. He

simultaneously filed a motion, with the consent of the Government, to file an oversized brief exceeding the Court's previous length limitation by two pages, which this Court granted.

Statement of Reasons

Federal Rule of Appellate Procedure 32(a)(7) generally provides equal page and word limitations for principal briefs of both parties on appeal. Certainly the same equal page and word limitations should apply in this matter, where this Court has already granted Appellant's motion to file a principal brief not to exceed the greater of 200 pages or 50,000 words.

Undersigned counsel have diligently worked to write a concise brief while executing its duty to respond in full to the issues raised in Appellant's principal brief. Given the complicated procedural history, sheer size of the record, and several complex issues raised by Appellant on appeal, granting the Government equal page limitations will allow it to adequately respond. Under these circumstances, the Government respectfully requests that this Court grant permission to file an oversized brief not to exceed the greater of 200 pages or 50,000 words.

Pursuant to Local Rule 32(b), the Government notes that it is filing this motion at least 10 calendar days before the filing of its brief.

Pursuant to Local Rule 27(a), on June 24, 2008, undersigned counsel contacted

counsel for Appellant, Justin S. Antonipillai, Esq., and informed him of the filing of this Motion, and he has consented to this Motion. Counsel for Amicus Curiae were also informed and consented to this Motion.

Conclusion

For the foregoing reasons, Appellee respectfully requests that this Court grant this Motion and thereby permit the filing of a principal brief not to exceed 200 pages or 50,000 words.

Respectfully submitted,

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Certificate of Service

I hereby certify that on June 24, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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