

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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

**UNITED STATES’S OPPOSITION TO APPELLANT’S
RENEWED MOTION FOR A LIMITED REMAND**

Appellee, the United States, hereby respectfully submits the following opposition to Appellant Moussaoui’s Renewed Motion for a Limited Remand.

1. Last Thursday, the United States asked this Court to grant it an additional 60 days within which to file its brief. This Court has now extended the time to file the government’s brief until August 25, 2008. Moussaoui, however, also uses the grounds for the government’s motion for an extension as a basis for renewing his own motion for a limited remand, which this Court previously denied.

2. Any discussion of a remand — renewed or not — is premature at this time. As we stated in our motion for an extension, the Acting United States Attorney very recently uncovered new information that “may be relevant” to the issues addressed in the remand motion and raised again on appeal. The extension is therefore necessary to allow the Acting United States Attorney the necessary time to “complete” a particular phase of his investigation and to provide appropriate

updated information to the Moussaoui appellate team; and then to allow the government's Moussaoui appellate team the necessary time to determine "what further disclosures are necessary" and to make appropriate legal argumentation based on any such disclosures. The Court (and the parties) can assess whether any new developments warrant a remand after the process described above has unfolded, rather than precipitously ordering a remand while the process is underway.

3. In addition, a remand for an evidentiary hearing, besides being premature, runs the risk of potentially impeding the Acting United States Attorney's ongoing criminal investigation, thereby jeopardizing the government's effort to uncover the relevant facts.

Therefore, the United States respectfully requests that this Court deny Moussaoui's Renewed Motion for a Limited Remand.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 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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