

Court of Appeals Docket #: 13-50572

Docketed: 11/26/2013

USA v. Basaaly Moalin

Termed: 09/02/2020

Appeal From: U.S. District Court for Southern California, San Diego

Fee Status: Paid

Case Type Information:

- 1) criminal
- 2) Direct Criminal
- 3) null

Originating Court Information:

District: 0974-3 : [3:10-cr-04246-JM-1](#)

Court Reporter: Debra Mae Henson

Court Reporter: LeeAnn Pence

Trial Judge: Jeffrey T. Miller, Senior District Judge

Date Filed: 10/22/2010

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment:	EOD:	Filed:	COA:
11/22/2013	11/22/2013	11/26/2013	11/26/2013

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Consolidated				
	13-50572	13-50578	04/10/2014	
	13-50572	13-50580	04/10/2014	
	13-50572	14-50051	04/10/2014	

UNITED STATES OF AMERICA
Plaintiff - Appellee,

Jeffrey Michael Smith
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v.

BASAALY SAEED MOALIN, AKA Basal,
AKA Muse Shekhnor Roble
Defendant - Appellant,

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BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW, AMERICAN
LIBRARY ASSOCIATION, ELECTRONIC
PRIVACY INFORMATION CENTER,
FREEDOM TO READ FOUNDATION,
NATIONAL ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS, NINTH
CIRCUIT FEDERAL AND COMMUNITY
DEFENDERS, and REPORTERS
COMMITTEE FOR FREEDOM OF THE
PRESS

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Amicus Curiae,

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BASAALY SAEED MOALIN, AKA Basal, AKA Muse Shekhnor Roble,

Defendant - Appellant.

11/26/2013	1 14 pg, 643.98 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. Reporters Transcript required: Yes. Sentence imposed: 18 years. Transcript ordered by 12/17/2013. Transcript due 01/16/2014. Appellant briefs and excerpts due by 02/25/2014 for Basaaly Saeed Moalin. Appellee brief due 03/27/2014 for United States of America. Appellant's optional reply brief is due 14 days after service of the answering brief. [8879677] (HC) [Entered: 11/26/2013 02:14 PM]
12/04/2013	2 2 pg, 545.35 KB	Filed (ECF) court reporter Court Reporter Ms. Debra Mae Henson motion to extend time to file transcript. Date of service: 12/04/2013. [8887982] (Henson, Debra) [Entered: 12/04/2013 01:19 PM]
12/10/2013	3 1 pg, 32.71 KB	Filed clerk order (Deputy Clerk: CAG): Court Reporter Debra M. Henson's motion for an extension of time to file the transcript is granted. The transcripts are due February 3, 2014. This order waives the mandatory provided that the transcripts are filed within the time allowed in this order. The opening brief is due March 17, 2014. The answering brief is due April 16, 2014, and the optional reply brief is due within 14 days after service of the answering brief. A copy of this order shall be provided to the court reporter at the district court [8896051] (WL) [Entered: 12/10/2013 01:43 PM]
12/11/2013	4 1 pg, 32.76 KB	Filed clerk order (Deputy Clerk: CAG): Court Reporter Debra M. Henson's motion for an extension of time to file the transcript is granted. The transcripts are due February 3, 2014. This order waives the mandatory fee reduction provided that the transcripts are filed within the time allowed in this order. The opening brief is due March 17, 2014. The answering brief is due April 16, 2014, and the optional reply brief is due within 14 days after service of the answering brief. A copy of this order shall be provided to the court reporter at the district court. [8897183] (RT) [Entered: 12/11/2013 10:40 AM]
03/13/2014	5	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Basaaly Saeed Moalin. New requested due date is 04/16/2014. [9014669] (Dratel, Joshua) [Entered: 03/13/2014 01:24 PM]
03/13/2014	6	Streamlined request [5] by Appellant Basaaly Saeed Moalin to extend time to file the brief is approved. Amended briefing schedule: Appellant briefs and excerpts due by 04/16/2014 for Basaaly Saeed Moalin. Appellee brief due 05/16/2014 for United

States of America. The optional reply brief is due 14 days from the date of service of the answering brief. [9015201] (GS) [Entered: 03/13/2014 03:27 PM]

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[7](#)
2 pg, 41.66 KB

Filed order (Appellate Commissioner): In appeals numbers 13-50572, 13-50578, 13-50580, and 14-50051, appellants' request for a telephonic case management conference is granted. See Fed. R. App. P. 33; 9th Cir. R. 33-1; Cir. Adv. Comm. N. to R. 33-1(b). The conference will be conducted by Appellate Commissioner Peter L. Shaw on Tuesday, April 8, 2014, at 2:30 p.m. Pacific Time. To participate in the conference, counsel for all parties shall dial the toll-free number (888) 273-3658 and follow the voice prompts. When asked, counsel should enter the access PIN code number 9326894 and the # key. Counsel will be connected to the conference. If counsel are disconnected for any reason, counsel can dial in again and re-enter the access PIN code number. Briefing of the appeals is stayed pending the conclusion of the conference. (Appellate Commissioner) [9046491] [13-50572, 13-50578, 13-50580, 14-50051] (DL) [Entered: 04/07/2014 10:16 AM]

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[8](#)
4 pg, 47.54 KB

Filed order (Appellate Commissioner): Pursuant to the April 8, 2014 case management conference, appeal numbers 13-50572, 13-50578, 13-50580, and 14-50051 are consolidated. The Clerk shall change the court's docket to so reflect. The district court's February 25, 2011 amended protective order (docket number 56) to prevent certain sensitive but unclassified discovery materials from being disclosed without limitation to persons not parties to the court proceedings in this matter, and the district court's September 17, 2012 protective order (document number 198) to prevent the unauthorized use, disclosure or dissemination of classified national security information and documents, shall continue in effect on appeal. See Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3; Security Procedures Established Pursuant to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information; Fed. R. Crim. P. 16(d). The parties are granted leave to file separate classified and unclassified briefs on appeal. Appellants' opening briefs are due December 5, 2014. The government's answering brief is due February 5, 2015. Appellants' optional reply briefs are due March 20, 2015. Appellants are encouraged to join in a single brief and to avoid repetitive presentations of common facts and issues to the greatest extent practicable. See 9th Cir. R. 28-4, -5; Cir. Adv. Comm. N. to R. 28-4. Any party who wishes to file an oversized unclassified brief or a supplemental individual unclassified brief shall file, on or before the due date for the brief, a motion for leave to file the brief accompanied by a copy of the proposed brief and a certification as to the brief's

word count. See 9th Cir. R. 32-1, 32-2; 9th Cir. Form 8. Motions for leave to file oversized classified briefs or supplemental individual classified briefs need not be accompanied by copies of the proposed brief. The parties shall file the classified briefs in camera and under seal with Winfield S. "Scooter" Slade, Classified Information Security Officer, United States Department of Justice, (202) 514-9016, Scooter.Slade@usdoj.gov, as the designee of the Clerk of the Court. At the time of making a physical submission to the Security Officer, counsel shall file on the public record in the CM/ECF system a notice of filing that notifies the Court that a filing has been made. Appellants' counsel each may submit an interim voucher for compensation under the Criminal Justice Act without filing a motion for such relief: (1) after August 20, 2014; (2) after the opening brief is filed; and (3) after the reply brief is filed. See 9th Cir. R. 4-1(f). Any interim voucher should be accompanied by a copy of this order. After the court submits the appeals for disposition, appellants' counsel may submit vouchers without leave of court. Id. The Clerk shall forward to the Appellate Commissioner all motions for procedural relief filed before these appeals are calendared. (Appellate Commissioner) [9053292] [13-50572, 13-50578, 13-50580, 14-50051] (DL) [Entered: 04/10/2014 01:34 PM]

09/17/20
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[9](#)
7 pg, 139.77
KB

Filed (ECF) Appellant Issa Doreh in 13-50580 Motion for miscellaneous relief [This is a motion for authorization for out-of-state travel to visit appellant who is in federal custody in Tucson, Arizona. My residence is in San Diego, California]. Date of service: 09/17/2014. [9244073] [13-50572, 13-50580] --[COURT UPDATE: Spread to cases 13-50578 & 147-50051. 09/17/2014 by TL] (Missakian, Elizabeth) [Entered: 09/17/2014 03:00 PM]

11/20/20
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[10](#)
5 pg, 47.04 KB

Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Unopposed Motion to extend time to file Opening brief until 04/06/2015. Date of service: 11/20/2014. [9321309] [13-50578, 13-50572, 13-50580, 14-50051] --[COURT UPDATE: Attached corrected motion. 11/21/2014 by TL] (Zugman, David) [Entered: 11/20/2014 04:24 PM]

11/24/20
14

[11](#)
2 pg, 33.13 KB

Filed order (Appellate Commissioner): Appellants' unopposed motion for an extension of time to file the opening brief is granted. Appellants' opening brief is due April 6, 2015. The government's answering brief is due June 8, 2015. Appellants' optional reply brief is due July 23, 2015. (Appellate Commissioner) [9323328] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 11/24/2014 08:00 AM]

02/24/20
15

[12](#)
6 pg, 48.78 KB

Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Unopposed Motion to extend time to file Opening brief until

07/31/2015. Date of service: 02/24/2015. [9433147] [13-50578, 13-50572, 13-50580, 14-50051] (Zugman, David) [Entered: 02/24/2015 03:54 PM]

02/25/2015 [13](#) 2 pg, 33.33 KB Filed order (Appellate Commissioner):Appellants' unopposed motion for an extension of time to file the opening brief is granted. Appellants' opening brief is due July 31, 2015. The government's answering brief is due October 2, 2015. Appellants' optional reply brief is due November 16, 2015. (Appellate Commissioner) [9433530] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 02/25/2015 07:28 AM]

04/21/2015 [14](#) 2 pg, 76.12 KB Filed (ECF) notice of appearance of Jameel Jaffer for Appellant Basaaly Saeed Moalin. Date of service: 04/21/2015. [9503219] [13-50572] --[COURT UPDATE: Spread to cases 13-50578, 13-50580, and 14-50051. 04/21/2015 by TL] (Jaffer, Jameel) [Entered: 04/21/2015 12:55 PM]

04/21/2015 [15](#) 2 pg, 75.9 KB Filed (ECF) notice of appearance of Patrick C. Toomey for Appellant Basaaly Saeed Moalin. Date of service: 04/21/2015. [9503235] [13-50572] --[COURT UPDATE: Spread to cases 13-50578, 13-50580, and 14-50051. 04/21/2015 by TL] (Toomey, Patrick) [Entered: 04/21/2015 01:01 PM]

04/21/2015 [16](#) 2 pg, 75.9 KB Filed (ECF) notice of appearance of Alexander Abdo for Appellant Basaaly Saeed Moalin. Date of service: 04/21/2015. [9503481] [13-50572] --[COURT UPDATE: Spread to cases 13-50578, 13-50580, and 14-50051. 04/21/2015 by TL] (Abdo, Alexander) [Entered: 04/21/2015 02:14 PM]

04/21/2015 [17](#) 2 pg, 76.33 KB Filed (ECF) notice of appearance of Jeffrey Michael Smith for Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051. Date of service: 04/21/2015. [9503496] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 04/21/2015 02:18 PM]

04/21/2015 18 Added attorney Jeffrey Michael Smith for USA. [9503871] [13-50572, 13-50578, 13-50580, 14-50051] (RL) [Entered: 04/21/2015 04:19 PM]

04/22/2015 19 Added attorney Alexander A. Abdo, Jameel Jaffer, Patrick C. Toomey for Basaaly Saeed Moalin. [9504216] [13-50572, 13-50578, 13-50580, 14-50051] (RL) [Entered: 04/22/2015 09:07 AM]

07/09/2015 [20](#) 7 pg, 60.32 KB Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Unopposed Motion to extend time to file Opening brief until 09/29/2015. Date of service: 07/09/2015. [9604184] [13-50578, 13-50572, 13-50580, 14-50051] (Zugman, David) [Entered: 07/09/2015 11:16 AM]

07/10/20 15	21 2 pg, 33.24 KB	Filed order (Appellate Commissioner): The parties' unopposed requests for extensions of time to file the opening and answering briefs are granted. Appellants' opening brief is due September 29, 2015. The government's answering brief is due January 27, 2016. Appellants' optional reply brief is due March 14, 2016. (Appellate Commissioner) [9605310] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 07/10/2015 06:25 AM]
09/22/20 15	22 7 pg, 52.78 KB	Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Unopposed Motion to extend time to file Opening brief until 10/29/2015. Date of service: 09/22/2015. [9691650] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 09/22/2015 10:37 AM]
09/23/20 15	23 2 pg, 33.33 KB	Filed order (Appellate Commissioner): Appellants' unopposed request for a final 30-day extension of time to file the opening brief is granted. Appellants' opening brief is due October 29, 2015. The government's answering brief is due February 29, 2016. Appellants' optional reply brief is due April 14, 2016. [9693016] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 09/23/2015 07:10 AM]
10/29/20 15	24 462 pg, 5.09 MB	Submitted (ECF) Opening brief and Excerpts of Record for review and filed Motion to file oversized brief. Submitted by Appellant Mohamed Mohamed Mohamud in 13-50578. Date of service: 10/29/2015. [9738581] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 10/29/2015 04:16 PM]
11/05/20 15	25 47 pg, 212.66 KB	Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Amici Curiae Brennan Ctr. for Justice, Am. Library Ass'n, Electronic Privacy Info. Ctr., Freedom to Read Found., Nat'l Ass'n of Crim. Def. Lawyers, Ninth Cir. Fed. and Community Defenders, Reporters Committee for Freedom of the Press. Date of service: 11/05/2015. [9745936] [13-50572, 13-50578, 13-50580, 14-50051] (Price, Michael) [Entered: 11/05/2015 10:20 AM]
11/05/20 15	26	Entered appearance of Amici Curiae Brennan Center for Justice, American Library Association, Electronic Privacy Information Center, Freedom to Read Foundation, National Association of Criminal Defense Lawyers, Ninth Circuit Federal and Community Defenders, and Reporters Committee for Freedom of the Press in 13-50572, 13-50578, 13-50580, 14-50051. [9745978] [13-50572, 13-50578, 13-50580, 14-50051] (TLH) [Entered: 11/05/2015 10:39 AM]
11/05/20 15	27 2 pg, 187.07 KB	Filed clerk order: The amicus brief [25] submitted by Brennan Center for Justice, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied

by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9746002] [13-50572, 13-50578, 13-50580, 14-50051] (TLH) [Entered: 11/05/2015 10:51 AM]

11/09/20 28 Received 7 paper copies of Amicus brief [25] filed by Brennan Center
15 for Justice, et al. [9749424] [13-50572, 13-50578, 13-50580, 14-50051] (SD) [Entered: 11/09/2015 01:53 PM]

11/13/20 29 Filed order (Appellate Commissioner): A review of appellants'
15 2 pg, 33.64 KB proposed joint opening brief reveals that it may reasonably be shortened. Accordingly, appellants' unopposed motion for leave to file an oversize joint opening brief consisting of 51,727 words is granted in part. On or before December 14, 2015, appellants shall file a joint opening brief that does not exceed 45,000 words. The government's answering brief is due April 15, 2016. Appellants' optional reply brief is due May 31, 2016 [9755501] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 11/13/2015 04:20 PM]

12/11/20 30 Submitted (ECF) Opening Brief for review. Submitted by Appellant
15 258 pg, 883.07 KB Basaaly Saeed Moalin in 13-50572, Appellant Mohamed Mohamed Mohamud in 13-50578, Appellant Issa Doreh in 13-50580, Appellant Ahmed Nasir Taalil Mohamud in 14-50051. Date of service: 12/11/2015. [9790016] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 12/11/2015 04:27 PM]

12/14/20 31 Filed clerk order: The joint opening brief [30] submitted by Basaaly
15 3 pg, 200.26 KB Saeed Moalin, Mohamed Mohamed Mohamud , Issa Doreh , Ahmed Nasir Taalil Mohamud is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the joint excerpts of record [24] submitted by Basaaly Saeed Moalin, Mohamed Mohamed Mohamud , Issa Doreh, Ahmed Nasir Taalil Mohamud. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9790494] [13-50572, 13-50578, 13-50580, 14-50051] (GV) [Entered: 12/14/2015 09:05 AM]

12/23/2015	32	Received 7 paper copies of the joint Opening brief [30] filed by Basaaly Saeed Moalin, et al. [9804555] [13-50572, 13-50578, 13-50580, 14-50051] (SD) [Entered: 12/23/2015 04:10 PM]
12/23/2015	33	Filed Appellants paper copies of joint excerpts of record [24] in 1 volume(s). [9805580] [13-50572, 13-50578, 13-50580, 14-50051] (SML) [Entered: 12/24/2015 03:57 PM]
04/15/2016	34 116 pg, 352.26 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051. Date of service: 04/15/2016. [9941688] [13-50572, 13-50578, 13-50580, 14-50051] -- [COURT UPDATE: Removed motion (refiled in entry [38]). 04/18/2016 by TYL] (Smith, Jeffrey) [Entered: 04/15/2016 11:36 AM]
04/15/2016	35 167 pg, 3.18 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellee USA. Date of service: 04/15/2016. [9941702] [13-50572] -- [COURT UPDATE: Spread to cases 13-50578, 13-50580 and 14-50051. 04/18/2016 by TYL] (Smith, Jeffrey) [Entered: 04/15/2016 11:42 AM]
04/15/2016	36 2 pg, 62.31 KB	Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 Correspondence: Notice of Ex Parte Filing of Classified Brief and Classified Supplemental Excerpts of Record. Date of service: 04/15/2016 [9941908] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 04/15/2016 01:29 PM]
04/15/2016	38 3 pg, 59.1 KB	Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 Motion to file oversized brief. Date of service: 04/15/2016. [9944122] [13-50572, 13-50578, 13-50580, 14-50051] --[COURT ENTERED FILING to correct entry [34] .] (TYL) [Entered: 04/18/2016 03:30 PM]
04/18/2016	37 2 pg, 35.22 KB	Filed order (Appellate Commissioner): The government's motion for leave to file answering briefs totalling 26,909 words is granted. The government is granted leave to file: (1) an unclassified answering brief consisting of 24,556 words; and (2) a classified answering brief consisting of 2,353 words. The Clerk shall file the government's unclassified answering brief received April 15, 2016. The government has filed a notice stating that its classified answering brief was filed with Classified Information Security Officer Winfield S. "Scooter" Slade, as designee of the Clerk. The briefing schedule previously established remains in effect. Appellants' joint reply brief is due May 31, 2016. [9942696] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 04/18/2016 06:34 AM]
04/18/2016	39 3 pg, 198.3 KB	Filed clerk order: The answering brief [34] submitted by USA is filed. Within 7 days of the filing of this order, filer is ordered to file 7

copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [35] submitted by USA. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9944140] [13-50572, 13-50578, 13-50580, 14-50051] (TLH) [Entered: 04/18/2016 03:35 PM]

- 04/19/20 40
16 Terminated William P. Cole for USA in 13-50572, 13-50578, 13-50580 and 14-50051 (due to incorrect ECF account info) [9944734] [13-50572, 13-50578, 13-50580, 14-50051] (JT) [Entered: 04/19/2016 08:44 AM]
- 04/21/20 41
16 Received 7 paper copies of Answering brief [34] filed by USA. [9948691] [13-50572, 13-50578, 13-50580, 14-50051] (SD) [Entered: 04/21/2016 03:03 PM]
- 04/21/20 42
16 Filed Appellee USA paper copies of supplemental excerpts of record [35] in 1 volume. [9950207] [13-50572, 13-50578, 13-50580, 14-50051] (LA) [Entered: 04/22/2016 03:13 PM]
- 05/13/20 43
16 5 pg, 48.02 KB Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Motion to extend time to file Reply brief until 08/15/2016. Date of service: 05/13/2016. [9975576] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 05/13/2016 09:55 AM]
- 05/16/20 44
16 2 pg, 33.06 KB Filed order (Appellate Commissioner): Appellants' motion at docket entry [43] for an extension of time to file the joint reply brief is granted. Appellants' joint reply brief is due August 15, 2016. [9977096] [13-50572, 13-50578, 13-50580, 14-50051] (DJV) [Entered: 05/16/2016 06:30 AM]
- 06/02/20 45
16 3 pg, 142.94 KB Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 citation of supplemental authorities. Date of service: 06/02/2016. [9999469] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 06/02/2016 09:16 AM]
- 06/17/20 46
16 This case is being considered for the October 2016 Pasadena oral argument calendar. The exact date of your oral argument has not been determined at this time.
The following is a link to the upcoming court sessions: http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.
Please review these upcoming dates *immediately* to determine if you

have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).

The Court discourages motions to continue after this 3-day period. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

Note that your case will be set for hearing in due course if it is not assigned to this calendar.

In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[10018881] (AW) [Entered: 06/17/2016 09:51 AM]

06/17/2016

[47](#)

2 pg, 36.51 KB

Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Correspondence: Availability for Oral Argument of David Zugman. Date of service: 06/17/2016 [10019663] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 06/17/2016 02:12 PM]

06/21/2016

[48](#)

3 pg, 133.21 KB

Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 citation of supplemental authorities. Date of service: 06/21/2016. [10023194] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 06/21/2016 01:00 PM]

06/22/2016

[49](#)

1 pg, 277.14 KB

Filed (ECF) Appellant Basaaly Saeed Moalin Correspondence: Notice if availability for oral argument. Date of service: 06/22/2016 [10025359] [13-50572] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. Spread to cases 13-50578, 13-50580 and 14-50051. 06/22/2016 by TYL] (Dratel, Joshua) [Entered: 06/22/2016 02:05 PM]

07/26/2016

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This case is being considered for the November 2016 Pasadena oral argument calendar. The exact date of your oral argument has not been determined at this time.

The following is a link to the upcoming court sessions: http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.

Please review these upcoming dates *immediately* to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court

using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument). The Court discourages motions to continue after this 3-day period. The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

Note that your case will be set for hearing in due course if it is not assigned to this calendar.

In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[10063647] (AW) [Entered: 07/26/2016 02:01 PM]

- 08/03/2016 [52](#)
1 pg, 24.54 KB Filed (ECF) Appellant Basaaly Saeed Moalin Correspondence: Letter in regard to the notice from the Court with respect to the schedule for oral argument, and the direction for counsel to provide information about availability for oral argument.. Date of service: 08/03/2016 [10074317] [13-50572]--[COURT UPDATE: Spread docket text to 13-50580, 13-50578, 14-50051. 08/03/2016 by RY] (Dratel, Joshua) [Entered: 08/03/2016 01:06 PM]
- 08/05/2016 [53](#)
5 pg, 47.71 KB Filed (ECF) Amicus Curiae Brennan Center for Justice and Appellant Basaaly Saeed Moalin in 13-50572, Amicus Curiae Brennan Center for Justice and Appellant Mohamed Mohamed Mohamud in 13-50578, Amicus Curiae Brennan Center for Justice and Appellant Issa Doreh in 13-50580, Amicus Curiae Brennan Center for Justice and Appellant Ahmed Nasir Taalil Mohamud in 14-50051 Unopposed Motion to extend time to file Reply brief until 08/29/2016. Date of service: 08/05/2016. [10077766] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 08/05/2016 04:33 PM]
- 08/29/2016 54
16 ~~STRICKEN PER ORDER [69]. Submitted (ECF) Reply Brief for review. Submitted by Appellant Basaaly Saeed Moalin in 13-50572, Appellant Mohamed Mohamed Mohamud in 13-50578, Appellant Issa Doreh in 13-50580, Appellant Ahmed Nasir Taalil Mohamud in 14-50051. Date of service: 08/29/2016. [10105357] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 08/29/2016 04:23 PM]~~
- 08/29/2016 [55](#)
5 pg, 59.3 KB Filed (ECF) Appellant Basaaly Saeed Moalin and Amicus Curiae Brennan Center for Justice in 13-50572, Appellant Mohamed

Mohamed Mohamud and Amicus Curiae Brennan Center for Justice in 13-50578, Appellant Issa Doreh and Amicus Curiae Brennan Center for Justice in 13-50580, Appellant Ahmed Nasir Taalil Mohamud and Amicus Curiae Brennan Center for Justice in 14-50051 Unopposed Motion to file oversized brief. Date of service: 08/29/2016. [10105365] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 08/29/2016 04:25 PM]

08/31/20
16

[56](#)
3 pg, 14.53 KB

Filed (ECF) Appellant Basaaly Saeed Moalin in 13-50572 Motion to withdraw as counsel. Date of service: 08/31/2016. [10108065] [13-50572, 13-50578, 13-50580, 14-50051] (Jaffer, Jameel) [Entered: 08/31/2016 11:21 AM]

09/01/20
16

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Notice of Oral Argument on Thursday, November 10, 2016 - 09:00 A.M. - Courtroom 2 - Pasadena CA.

View the Oral Argument Calendar for your case [here](#).

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: PASADENA Office.

[10109952] [07-56657, 07-56662, 13-50572, 13-50578, 13-50580, 14-50051] (DR) [Entered: 09/01/2016 12:12 PM]

09/01/20
16

[58](#)
1 pg, 208.44 KB

Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney David James Zugman for Appellant Mohamed Mohamed Mohamud in 13-50578. [10109984] [13-50578, 13-50572, 13-50580, 14-50051] (Zugman, David) [Entered: 09/01/2016 12:36 PM]

09/01/20
16

[59](#)
1 pg, 586.07 KB

Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Ms. Elizabeth Armena Missakian for Appellant Issa Doreh in 13-50580. [10110399] [13-50580, 13-50572, 13-50578, 14-50051] (Missakian, Elizabeth) [Entered: 09/01/2016 03:16 PM]

09/01/20
16

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COURT DELETED INCORRECT ENTRY. Motion refiled using correct filing type (see entry [[61](#)]). Notice about deletion sent to case participants registered for electronic filing. Original Text: Filed (ECF) Errata to Reply brief ([[54](#)] Brief Submitted for Review (ECF Filing)). Filed by Appellant Mohamed Mohamed Mohamud in 13-50578. Date

of service: 09/01/2016. [10110740] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 09/01/2016 04:42 PM]

- 09/02/2016 [61](#) 6 pg, 60.03 KB Filed (ECF) Appellant Basaaly Saeed Moalin in 13-50572, Appellant Mohamed Mohamed Mohamud in 13-50578, Appellant Issa Doreh in 13-50580, Appellant Ahmed Nasir Taalil Mohamud in 14-50051 Motion to file substitute or corrected brief. Date of service: 09/02/2016. [10111234] [13-50572, 13-50578, 13-50580, 14-50051]--[COURT UPDATE: Attached corrected motion. Removed PDF of brief (resubmitted separately using correct filing type, see entry [63](#))]. 09/02/2016 by RY] (Zugman, David) [Entered: 09/02/2016 09:54 AM]
- 09/02/2016 [62](#) 1 pg, 50.62 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Jeffrey Michael Smith for Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051. [10111462] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 09/02/2016 11:05 AM]
- 09/02/2016 [63](#) 71 pg, 309.45 KB Submitted (ECF) Reply Brief for review. Submitted by Appellant Basaaly Saeed Moalin in 13-50572, Appellant Mohamed Mohamed Mohamud in 13-50578, Appellant Issa Doreh in 13-50580, Appellant Ahmed Nasir Taalil Mohamud in 14-50051. Date of service: 09/02/2016. [10111545] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 09/02/2016 11:34 AM]
- 09/02/2016 64 RECEIVED (ORIGINAL) CERTIFIED RECORD ON APPEAL. Record Part: Other Documents, No. of Volumes: 1, Sealed: y; Record Part: Other Documents, Sealed: y (10 envelopes). [10111652] [13-50572, 13-50578, 13-50580, 14-50051]--[Edited 09/02/2016 by RY] (MM) [Entered: 09/02/2016 12:25 PM]
- 09/07/2016 [65](#) 1 pg, 53.54 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Alexander A. Abdo for Appellant Basaaly Saeed Moalin in 13-50572. [10114486] [13-50572, 13-50578, 13-50580, 14-50051] (Abdo, Alexander) [Entered: 09/07/2016 10:05 AM]
- 09/07/2016 [66](#) 1 pg, 34.56 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Joshua L. Dratel for Appellant Basaaly Saeed Moalin in 13-50572. [10114693] [13-50572, 13-50578, 13-50580, 14-50051] (Dratel, Joshua) [Entered: 09/07/2016 11:20 AM]
- 09/07/2016 [67](#) 1 pg, 27.98 KB Filed (ECF) Appellant Basaaly Saeed Moalin Correspondence: The letter is in regard to the oral argument in US v. Moalin, 13-50572, and is submitted to inform the Court that, with its permission, Alex Abdo of ACLU and Joshua L. Dratel will be dividing the argument for Appellant Moalin.. Date of service: 09/07/2016 [10115716] [13-50572] --[COURT UPDATE: Attached searchable version of

correspondence and spread to cases 13-50578, 13-50580 and 14-50051. 09/08/2016 by TYL] (Dratel, Joshua) [Entered: 09/07/2016 05:21 PM]

09/30/2016 [68](#) 1 pg, 52.59 KB Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Benjamin Lee Coleman for Appellant Ahmed Nasir Taalil Mohamud in 14-50051. [10143850] [14-50051, 13-50572, 13-50578, 13-50580] (Coleman, Benjamin) [Entered: 09/30/2016 11:07 AM]

10/11/2016 [69](#) 2 pg, 34.3 KB Filed clerk order (Deputy Clerk: AF): Appellants' motion for a fourteen-day extension of time to file the reply brief is GRANTED. Appellants' motion to file an oversized unclassified joint reply brief is GRANTED. Appellants' motion to file a replacement reply brief with no substantive changes is GRANTED. Jameel Jaffer's motion to withdraw his appearance as counsel for Defendant- Appellant is GRANTED. [10154477] [13-50572, 13-50578, 13-50580, 14-50051] (AF) [Entered: 10/11/2016 08:51 AM]

10/11/2016 70 Terminated Jameel Jaffer for Basaaly Saeed Moalin in 13-50572 [10154482] [13-50572, 13-50578, 13-50580, 14-50051] (AF) [Entered: 10/11/2016 08:53 AM]

10/11/2016 [71](#) 2 pg, 186.41 KB Filed clerk order: The joint reply brief [[63](#)] submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10155316] [13-50572, 13-50578, 13-50580, 14-50051] (SML) [Entered: 10/11/2016 02:28 PM]

10/20/2016 75 Received 7 paper copies of Reply Brief [[63](#)] filed by Basaaly Saeed Moalin in 13-50572, Mohamed Mohamed Mohamud in 13-50578, Issa Doreh in 13-50580, Ahmed Nasir Taalil Mohamud in 14-50051. [10172849] [13-50572, 13-50578, 13-50580, 14-50051] Sent to Panel. (RG) [Entered: 10/25/2016 12:19 PM]

10/24/2016 [72](#) 2 pg, 365.13 KB Filed (ECF) Appellant Basaaly Saeed Moalin citation of supplemental authorities. Date of service: 10/24/2016. [10171010] [13-50572]--[COURT UPDATE: Spread docket text to 13-50580,13-50578,14-50051. 10/24/2016 by RY] (Dratel, Joshua) [Entered: 10/24/2016 12:19 PM]

10/24/2016 73 ****REVISED****Notice of Oral Argument on Thursday, November 10, 2016 - 12:00 P.M. - Courtroom 2 - Pasadena CA.****NOTE: Starting Time Changed****

View the Oral Argument Calendar for your case [here](#).

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE form](#), complete the form, and file it via Appellate ECF or return the completed form to: PASADENA Office.

[10171824] (AKM) [Entered: 10/24/2016 04:24 PM]

10/25/2016	74 2 pg, 71.05 KB	Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 citation of supplemental authorities. Date of service: 10/25/2016. [10172674] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 10/25/2016 11:18 AM]
11/09/2016	76 1 pg, 562.23 KB	Filed Appellee USA's letter dated 11/08/2016 re.:United States' exhibits in 1 CD (4 copies). [10191422] [13-50572, 13-50578, 13-50580, 14-50051]--[Edited 11/09/2016 by SVG] (HH) [Entered: 11/09/2016 10:14 AM]
11/10/2016	77	ARGUED AND SUBMITTED TO MARSHA S. BERZON, JACQUELINE H. NGUYEN and JACK ZOUHARY. [10194137] [13-50572, 13-50578, 13-50580, 14-50051] (Witt, Dusty) [Entered: 11/10/2016 05:03 PM]
07/18/2018	78 2 pg, 125.54 KB	Filed (ECF) Appellant Basaaly Saeed Moalin in 13-50572 citation of supplemental authorities. Date of service: 07/18/2018. [10947009] [13-50572, 13-50578, 13-50580, 14-50051] (Dratel, Joshua) [Entered: 07/18/2018 12:45 PM]
07/19/2018	79 2 pg, 129.76 KB	Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 citation of supplemental authorities. Date of service: 07/19/2018. [10947815] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 07/19/2018 08:16 AM]
08/22/2018	80 2 pg, 85.88 KB	Filed (ECF) notice of appearance of Faiza Patel for Amicus Curiae Brennan Center for Justice at NYU School of Law. Date of service: 08/22/2018. [10986196] [13-50572]--[COURT UPDATE: Spread docket text to 14-50051, 13-50580, 13-50578. 08/22/2018 by SLM] (Patel, Faiza) [Entered: 08/22/2018 03:07 PM]
08/22/2018	81	Attorney Michael William Price substituted by Attorney Faiza Patel [10986368] [13-50572, 13-50578, 13-50580, 14-50051] (JFF) [Entered: 08/22/2018 04:03 PM]

07/25/2019	82 2 pg, 65.14 KB	Filed (ECF) Appellant Basaaly Saeed Moalin citation of supplemental authorities. Date of service: 07/25/2019. [11376473] [13-50572] -- [COURT UPDATE: Spread to cases 13-50578, 13-50580, and 14-50051. 7/25/2019 by TYL] (Dratel, Joshua) [Entered: 07/25/2019 11:37 AM]
07/29/2019	83 2 pg, 174.72 KB	Filed (ECF) Appellee USA in 13-50572, 13-50578, 13-50580, 14-50051 citation of supplemental authorities. Date of service: 07/29/2019. [11379275] [13-50572, 13-50578, 13-50580, 14-50051] (Smith, Jeffrey) [Entered: 07/29/2019 10:54 AM]
03/12/2020	84	Terminated Caroline Han for USA in 13-50572, 13-50578, 13-50580 and 14-50051 (due to incorrect ECF contact information) [11628419] [13-50572, 13-50578, 13-50580, 14-50051] (RY) [Entered: 03/12/2020 04:21 PM]
09/02/2020	85 68 pg, 419.62 KB	FILED OPINION (MARSHA S. BERZON, JACQUELINE H. NGUYEN and JACK ZOUHARY) Defendants' convictions are AFFIRMED. Judge: MSB Authoring. FILED AND ENTERED JUDGMENT. [11810285] [13-50572, 13-50578, 13-50580, 14-50051] (AKM) [Entered: 09/02/2020 08:02 AM]
09/04/2020	86 3 pg, 84.67 KB	Filed (ECF) Appellant Mohamed Mohamed Mohamud in 13-50578 Unopposed Motion to extend time to file petition for rehearing until 11/16/2020. Date of service: 09/04/2020. [11813395] [13-50572, 13-50578, 13-50580, 14-50051] (Zugman, David) [Entered: 09/04/2020 08:55 AM]
09/04/2020	87	Filed text clerk order (Deputy Clerk: OC):Appellants' motion [86] for a sixty-day extension of time to file a petition for rehearing and suggestion for rehearing en banc, is granted. [11813997] [13-50572, 13-50578, 13-50580, 14-50051] (OC) [Entered: 09/04/2020 02:39 PM]