

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

CASE NO. 12-60298-SCOLA/O’SULLIVAN

UNITED STATES OF AMERICA

vs.

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

Defendants.

**GOVERNMENT’S RESPONSE TO AMENDED MOTION TO COMPEL NOTICE OF
INTENT TO USE FOREIGN INTELLIGENCE SURVEILLANCE ACT INFORMATION**

The United States, through its attorney Wifredo A Ferrer, United States Attorney for the Southern District of Florida, hereby responds to Defendant’s, Sheheryar Alam Qazi’s, Amended Motion to Compel the Government to Provide Him with Advance Notice of its Intent to Use or Disclose Information Obtained or Derived Pursuant to the FISA Amendments Act (FAA), 50 U.S.C. § 1881a (DE 67). The Motion requests “that this Court compel the [G]overnment to provide undersigned counsel with advance notice of its intent to use or disclose information obtained or derived from its §1881a¹ acquisition in the present case.” Motion at p. 5. This Motion has been adopted by

¹ Section 1881a was added to FISA as part of the FISA Amendments Act (FAA) as a new Title VII of FISA (“Additional Procedures Regarding Certain Persons Outside the United States”), Title 50, United States Code, Sections 1881-1885c.

co-defendant, Raees Alam Qazi (DE 69).

On December 6, 2012, the Government provided notice to the defendants and the Court (DE 9 and 10) that any FISA-obtained or -derived information that it would enter into evidence, or otherwise use or disclose, was acquired pursuant to Title I of FISA (“Electronic Surveillance Within The United States for Foreign Intelligence Purposes”), Title 50, United States Code, Sections 1801-1812 and Title III of FISA (“Physical Searches Within The United States for Foreign Intelligence Purposes”), Title 50, United States Code, Sections 1821-1829. The Defendants have been in possession of this information since December 6, 2012. Consequently, the defendants’ Motion should be dismissed as moot.

Respectfully submitted,

WIFREDO A. FERRER
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was filed on April 25, 2013, via the Court’s electronic filing system.

/s/ Karen E. Gilbert
Assistant United States Attorney