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AMR MOHSEN

IN THE UNITED STATES OF AMERICA

FOR THE NINTH CIRCUIT COURT OF APPEALS

UNITED STATES OF AMERICA,) Ninth Cir. No. 07-10059
) [No. Dist. No. CR-03-0095 WBS]
Plaintiff/Respondent,)
) APPELLANT’S MOTION FOR
v.) 31-DAY EXTENSION OF TIME
) <u>TO FILE REPLY BRIEF</u>
AMR MOHSEN,)
)
Defendant/Appellant.)
_____)

Defendant/Appellant Amr Mohsen, through his counsel, hereby moves for a 31-day extension of time, from April 17, 2009, to and including May 18, 2009, to file his reply brief in this matter.

In support of this motion, Dennis P. Riordan declares under penalty of

perjury as follows:

1. Marc Zilversmit and I are counsel for defendant Amr Mohsen in this appeal.

2. Mr. Mohsen was convicted following a jury trial in the district court for the Northern District of California on various counts of mail fraud, perjury, contempt, conspiracy to commit arson, and related offenses.

3. The trial court sentenced Mr. Mohsen to serve 204 months in federal prison. He remains in custody pending disposition of this appeal.

4. Appellant's opening brief was filed on September 22, 2008.

Respondent's answering brief was filed on April 3, 2009.

5. Pursuant to this Court's order issued on April 3, 2009, appellant's reply brief is presently due on April 17, 2009.

6. As reflected in appellant's opening brief, the arguments advanced in this appeal are both numerous and complex.

7. This motion is founded on the extraordinary press of business in this office which will prevent our filing the reply brief by its present due date.

Specifically, during the past thirty days, we have been required to file an opening brief on appeal in the Arkansas Supreme Court challenging the trial court's final order denying a motion for post-conviction relief based on new scientific evidence

in a capital case involving a 1993 triple homicide in West Memphis, Arkansas, Echols v. Arkansas, Craighead Co. Court No. CR-93-450A, Ark. Supreme Ct. No. CR 99-1060 and 94-928; a post-evidentiary hearing plaintiff's brief in a federal civil suit seeking to enforce the terms of a plea bargain in a sexual offense case so as to relieve our client of complying with certain post-offense registration requirements, Doe v. Brown, No. Dist. No. C 07 3585 JL; a reply memorandum challenging a foreign (Belgian) extradition request in connection with our client's alleged smuggling, conspiracy, and money laundering offenses, United States v. Wei Tung Lam, E.D. No. 08-MC 00029 GSA; a reply in support of an extensive motion for a new trial challenging our client's state court conviction for second degree murder, People v. Moon, Placer Co. Sup. Ct. No. 62-066138; a sentencing memorandum in the Moon matter; a reply brief supporting an appeal in this Court challenging our client's district court convictions for offering material support to terrorists and making false statements, United States v. Hayat, Ninth Cir. No. 07-10457; an opening brief in a civil appeal challenging a Superior Court judgment in wrongful death action brought against our client, Johnson v. Posey, First App. Dist. No. A123355; and a 106 page opening brief in this Court challenging our client's district court convictions for arson in connection with an alleged conspiracy involving the Earth Liberation Front, United States v. Briana Waters, Ninth Cir.

No. 08-30222 (W.D. Wa. No. 3:05-05828-FDB-5).

8. Furthermore, during the next thirty days, we will be required to file an opening brief in support of an appeal challenging our client's state court multiple felony vehicular manslaughter convictions, People v. Vellanoweth, Third App. Dist. No. C060319; objections to a federal magistrate's report and recommendation denying habeas relief in connection with our client's state court conviction for first degree murder, resulting in a sentence of 25 years to life in state prison, Woods v. Adams, Central Dist. No. SAVC 06-69 AHM (JWJ); supplemental briefing challenging the extradition request in the Lam matter, supra; a motion for a new trial challenging our client's conviction of vehicular manslaughter and driving under the influence, People v. Xinos, Santa Clara Co. Sup. Ct. No. CC649614; a reply brief in support of an appeal challenging our client's state court convictions for second degree murder and related firearm offenses resulting in a sentence of twenty five years to life in state prison, People v. Figueroa, First App. Dist. No. A119228; a reply brief in support of an appeal challenging our client's multiple state court convictions for insurance fraud, People v. Ghazey, First App. Dist. No. A120722; a reply brief in support of an appeal challenging our client's multiple third-strike convictions for residential burglary resulting in a sentence of forty years to life in state prison, People v. Bui, First App. Dist. No. A119404; a reply in

support of the post-evidentiary hearing plaintiff's brief in the Doe matter, *supra*; a motion for a certificate of appealability in the Ninth Circuit Court of Appeals as to a district court order and judgment denying habeas relief in connection with our client's state court conviction of first degree murder, People v. Yancey, No. Dist. No.C 05-1028 JF; and an opening brief on appeal challenging our client's reinstated conviction for second degree murder arising out of a fatal dog mauling, People v. Knoller (San Francisco Sup. Ct. No. 181813-01).

9. I am informed and believe that on today's date, our office called the office of Assistant United States Attorney Amber Rosen, counsel for Respondent, and that a telephone message on Ms. Rosen's answering machine stated that she will be unavailable until April 13, 2009.

10. We have exercised diligence in this matter and intend to file the reply brief on the requested date should the present motion be granted.

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11. In light of the foregoing circumstances, I respectfully request that the Court issue an order extending the time for filing the reply brief for a period of 31 days, from April 17, 2009, to and including May 18, 2009.

Executed this 9th day of April, 2009, at San Francisco, California.

/s/ Dennis P. Riordan

Dennis P. Riordan

PROOF OF SERVICE BY MAIL -- 1013(a), 2015.5 C.C.P.

**Re: United States v. Amr Mohsen No. 07-10059
(Dist. Court No. CR 03-00095-WBS)**

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within:

**APPELLANT'S MOTION FOR 31-DAY EXTENSION
OF TIME TO FILE REPLY BRIEF**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Amber Rosen
Assistant U.S. Attorney
150 Almaden Blvd., Suite 900
San Jose, CA 95113

BY MAIL: By depositing said envelope, with postage thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

BY PERSONAL SERVICE: By causing said envelope to be personally served on said party(ies), as follows: **FEDEX** **HAND DELIVERY**

I certify or declare under penalty of perjury that the foregoing is true and correct. Executed on April 10, 2009 at San Francisco, California.

 /s/ Jocilene Yue
Jocilene Yue