

DENNIS P. RIORDAN, No. 69320
DONALD M. HORGAN
RIORDAN & HORGAN
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472

MARC J. ZILVERSMIT, No. 132057
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472

Attorneys For Appellant/Defendant
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 SECOND
v.) MOTION FOR 31-DAY
) EXTENSION OF TIME
AMR MOHSEN,) <u>TO FILE REPLY BRIEF</u>
)
Defendant/Appellant.)
_____)

Defendant/Appellant Amr Mohsen, through his counsel, hereby moves for a 31-day extension of time, from May 18, 2009, to and including June 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. This Court previously granted one 31-day extension of time to file the reply brief; pursuant to that order dated April 13, 2009, appellant's reply brief is presently due on May 18, 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 supplemental briefing 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 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 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, Yancey v. Woodford, No. Dist. No. C 05-1028 JF; extensive 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); a reply in support of 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 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 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 in support of the new trial motion in the Xinos matter, *supra*; and a sentencing memorandum in the Xinos matter, *supra*.

8. In addition, during the next thirty-one days, i.e., the period covered by the present request, we will be required to file 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); 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 in support of an appeal in the Ninth Circuit Court of Appeals challenging our client's federal court convictions for conspiracy and securities fraud, United States v. Montesano, Central Dist. No. CR 03-00620 - TJH; an amended opening brief on appeal in the Ninth Circuit Court of Appeals 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); a reply in support of an appeal challenging our client's state court conviction for second degree murder and related gang and firearm enhancements resulting in a sentence of 50 years to life in state prison,

People v. Campos, First App. Dist. No. A120888; an opening brief on appeal challenging our client's state court convictions for first degree special circumstances murder, attempted murder, elder abuse, and related offenses, resulting in a sentence of life without the possibility of parole, People v. Porter, Fifth App. Dist. No. F057076; and 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

9. I am informed and believe that on today's date, my cocounsel, Marc Zilversmit called the office of Assistant United States Attorney Amber Rosen, counsel for Respondent. Ms. Rosen stated that she has no objection to the extension request.

10. 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 May 18, 2009, to and including June 18, 2009.

Executed this 11th day of May, 2009, at San Francisco, California.

/s/ Dennis P. Riordan
Dennis P. Riordan

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on May 11, 2009, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature: /s/ Jocilene Yue
Jocilene Yue

CERTIFICATE OF SERVICE
When Not All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature: _____