

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA

v.

ARDIT FERIZI,  
a/k/a "Th3Dir3torY,"

Defendant.

Criminal No. 1:16-cr-42

The Hon. Leonie M. Brinkema

**FACTUAL ALLEGATIONS IN SUPPORT OF JUDICIAL REMOVAL**

NOTICE IS HEREBY GIVEN TO ARDIT FERIZI ("the defendant") and to his attorneys of record, Jeremy C. Kamens and Elizabeth A. Mullen, that the United States alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Kosovo.
3. The defendant was paroled into the United States for criminal prosecution, in the Eastern District of Virginia, on or about January 22, 2016.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court for the Eastern District of Virginia of the following counts charged in the Indictment issued on February 16, 2016:
  - a. Count Two: Providing Material Support to a Designated Foreign Terrorist Organization, in violation of Title 18, United States Code, Section 2339B; and
  - b. Count Three: Accessing a Protected Computer Without Authorization and Obtaining Information, in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and

(c)(2)(B)(ii).

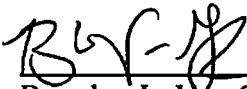
5. The maximum term of imprisonment for a conviction of Count Two (Title 18, United States Code, Section 2339B) is twenty (20) years. The maximum term of imprisonment for a conviction of Count Three (Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(ii)) is five (5) years.

6. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to: (1) Section 212(a)(3)(B)(i)(I) of the Immigration and Nationality Act of 1952 (“INA”), as amended, Title 8, United States Code, Section 1182(a)(3)(B)(i)(I), as an alien who committed an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons to a terrorist organization described in clause (vi)(I), or to any member of such an organization as described in Section 212(a)(3)(B)(iv)(VI)(cc) of the INA; (2) Section 212(a)(2)(A)(i)(I) of the INA, as amended, Title 8, United States Code, Section 1182(a)(2)(A)(i)(I), as an alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime; and (3) Section 212(a)(7)(B)(i)(II) of the INA, as amended, Title 8, United States Code, Section 1182(a)(7)(B)(i)(II), as an alien who is a nonimmigrant who is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission.

WHEREFORE, pursuant to Section 238(c) of the INA, Title 8, United States Code, Section 1228(c), the United States requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to Kosovo.

Dated: 6/13/16  
Alexandria, VA

Dana J. Boente  
United States Attorney

By:   
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Brandon L. Van Grack  
Gregory R. Gonzalez  
Special Assistant United States Attorneys (LT)