

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO: 2:-09-cr-20367

Plaintiff,

HONORABLE ARTHUR J. TARNOW

v.

D-1 FAOUZI AYOUB,

a/k/a Frank Mariano Boschi,

Defendant.

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MOTION TO DISMISS INDICTMENT, AND
BRIEF IN SUPPORT THEREOF

The United States moves to dismiss the indictment and cancel the arrest warrant pending against Defendant Faouzi Ayoub, and states in support:

1. On August 5, 2009, Defendant Faouzi Ayoub was charged in a single-count indictment with passport fraud, in violation of 18 U.S.C. § 1543. The indictment alleged that Defendant Ayoub had used a fraudulent United States passport in order to gain admittance to Israel to carry out a bombing on behalf of the designated terrorist organization Hezbollah. *See* Indictment, ¶ 2.

2. At the time of his indictment, Defendant Ayoub was abroad. He was never arrested, nor did he return to the United States following his indictment.

3. On approximately May 28, 2014, Defendant Ayoub died. According to numerous media reports, the accuracy of which have been verified, Ayoub died in the Syrian military conflict fighting on behalf of Hezbollah and the Assad regime. *See, e.g.*, http://www.washingtonpost.com/world/national-security/hezbollah-operative-wanted-by-fbi-dies-in-fighting-in-syria/2014/05/28/be2d27fe-e69a-11e3-8f90-73e071f3d637_story.html.

4. Based on Defendant Ayoub's death, the government requests that the indictment be dismissed and the arrest warrant canceled.

Respectfully submitted,

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