

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

Alexandria Division

UNITED STATES OF AMERICA)
)
) CRIMINAL NO. 1:08-cr- 131
)
v.)
)
SAMI AMIN AL-ARIAN)

MOTION TO DISMISS

The defendant was indicted in June 2008 for criminal contempt in violation of 18 U.S.C. § 401, but has not been brought to trial.

In August 2010, the United States moved the Court to deny the motion to dismiss that was filed by the defendant on March 23, 2009, and to grant the motion for reconsideration filed by the government on January 27, 2009. In August 2010, the United States represented that “[t]he United States Department of Justice and the United States Attorney have reviewed the status of this prosecution, and urge the Court to rule on the outstanding motions so that the prosecution can proceed.”

The United States reaffirms the evaluations of the merit of the prosecution that were made in 2008 and again in 2010. Nevertheless, in light of the passage of time without resolution, the United States has decided that the best available course of action is to move to dismiss the indictment so that action can be taken to remove the defendant from the United States in accordance with the Judicial Order of Removal issued on May 1, 2006, by United States District Judge James S. Moody, Jr., in the Middle District of Florida.

For the foregoing reasons, and pursuant to Federal Rule of Criminal Procedure 48(a), the United States moves that the Indictment be dismissed.

Respectfully submitted,

Dana J. Boente
United States Attorney

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2014, I electronically filed the foregoing Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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ORDER OF DISMISSAL

WHEREAS, the defendant was charged by indictment with criminal contempt in violation of 18 U.S.C. § 401, but has not yet been brought to trial;

WHEREAS, the United States represents that, in light of the circumstances, it seeks dismissal of that Indictment;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT, pursuant to Federal Rule of Criminal Procedure 48(a), the Indictment is dismissed.

Date: _____