

APR 10 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

JAMES N. HATLEY, Clerk
By: *Sam N. [Signature]*
Deputy Clerk

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL ACTION
 :
 MOHAMED SHORBAGI : NO. 4:06-CR-062
 :
 :
 :
 :

MOTION TO SUBSTITUTE CUSTODY

Comes now the United States of America, by David E. Nahamias, United States Attorney, and Kim S. Dammers, Assistant United States Attorney for the Northern District of Georgia, and requests that this Court substitute the custody of Mohamed Shorbagi from the United States Marshal's Service to the Federal Bureau of Investigation from 10:00 a.m. until no later than 5:00 p.m. on April 11, 2007. In support of its motion, the United States shows as follows:

1.

Mohamed Shorbagi is in U.S. Marshals custody. Mohamed Shorbagi will be needed for a debrief.

2.

Mohamed Shorbagi's debriefing will take place in the United States Courthouse Building in 600 East First Street, Rome, Georgia. Other than his being transported to and from the detention facility

where Mohamed Shorbagi is being housed, he will not be taken outside the United States Courthouse Building.

3.

The debriefing of Mohamed Shorbagi will be facilitated if he is transferred from the custody of the Marshals Service to that of the Federal Bureau of Investigation. In order to avoid the requirement that two Deputy U.S. Marshals remain with the Mohamed Shorbagi during the debriefing, a transfer of custody to the Federal Bureau of Investigation is required. The U.S. Marshals Service agrees to the proposed substitution of custody.

4.

Agents expect to pick up Mohamed Shorbagi at 10:00 a.m.

5.

At least two of the following agents from the Federal Bureau of Investigation will pick up and escort the prisoner to and from the Centre Alabama Jail:

S/A Michael Rotti
S/A Charles Reed

Mohamed Shorbagi will be handcuffed as he is escorted. The agents will be responsible for Mohamed Shorbagi's noon meal and will return him to the Marshals Service no later than 5:00 p.m. on the day in question.

6.

2

Mohamed Shorbagi is represented by counsel. Counsel has been informed of Mohamed Shorbagi's debrief and will not likely be present, but will be available by telephone should defendant wish to confer with counsel.

WHEREFORE, the United States of America respectfully requests that this Honorable Court:

(A) Order that the custody of Mohamed Shorbagi be transferred from the United States Marshals Service to the Federal Bureau of Investigation for the period between 10:00 a.m. and no later than 5:00 p.m. on April 11, 2007; and

(B) Grant such further relief as it is just.

Respectfully submitted,

DAVID E. NAHAMIAS
UNITED STATES ATTORNEY

/s/ KIM S. DAMMERS
ASSISTANT UNITED STATES ATTORNEY

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DATED: April 10, 2007