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12 IN THE UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14

15	UNITED STATES OF AMERICA,)	
)	
16	Plaintiff,)	CASE NO. 2:05-CR-240-JAM-DB
)	
17	v.)	UNOPPOSED MOTION TO DISMISS
)	
18	HAMID HAYAT,)	
)	
19	Defendant.)	
)	
20)	

21 Pursuant to Rule 48 of the Federal Rules of Criminal Procedure, the United States of America
22 hereby moves to dismiss the indictments in this case.

23 On July 30, 2019, the District Court entered an order vacating defendant Hamid Hayat’s
24 conviction and sentence, which the United States Court of Appeals for the Ninth Circuit had earlier
25 affirmed. *See United States v. Hayat*, 710 F.3d 875 (9th Cir. 2013). The District Court found that
26 Hayat’s privately-retained defense counsel, Wahzma Mojaddidi, provided him with Constitutionally
27 ineffective representation during his 2006 criminal trial for providing material support to terrorists and
28

1 making false statements to government officials between April 2003 and June 2005. On August 9,
2 2019, the District Court granted the parties' joint stipulation permitting Hayat's release from prison after
3 approximately 14 years in custody.

4 Due to the passage of time, the government now moves this Court to dismiss, in the interest of
5 justice, the indictments in this case. This motion is unopposed.

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7
8 Dated: February 14, 2020

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12 IN THE UNITED STATES DISTRICT COURT
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14	UNITED STATES OF AMERICA,)	
)	
15	Plaintiff,)	CASE NO. 2:05-CR-240-JAM-DB
)	
16	v.)	[PROPOSED] ORDER GRANTING THE UNITED STATES' UNOPPOSED MOTION TO DISMISS
)	
17	HAMID HAYAT,)	
)	
18	Defendant.)	
)	

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20 This matter is before the Court on the United States' unopposed motion to dismiss the indictment
in this case. As set forth in that motion, the Court finds:

21 1. On July 30, 2019, the District Court entered an order vacating defendant Hamid Hayat's
22 conviction and sentence, which the United States Court of Appeals for the Ninth Circuit had earlier
23 affirmed. *See United States v. Hayat*, 710 F.3d 875 (9th Cir. 2013).

24 2. The District Court found that Hayat's privately-retained defense counsel, Wahzma
25 Mojaddidi, provided him with Constitutionally ineffective representation during his 2006 criminal trial
26 for providing material support to terrorists and making false statements to government officials between
27 April 2003 and June 2005.
28

1 3. On August 9, 2019, the District Court granted the parties' joint stipulation permitting
2 Hayat's release from prison after approximately 14 years in custody.

3 4. The government now moves this Court to dismiss, in the interest of justice, the
4 indictments in this case.

5 5. The defendant does not oppose the motion.

6 Accordingly, pursuant to the government's motion, in the interest of justice, and for good cause
7 shown, it is hereby

8 ORDERED that, the indictments in this case shall be and are dismissed; and it is further

9 ORDERED that, status conference to address scheduling for a re-trial in this matter, currently
10 scheduled for February 25, 2020, shall be and is vacated; and it is further

11 ORDERED that, release conditions imposed on the defendant as set forth in the District Court's
12 August 9, 2019 Order shall be and are terminated.

13 **IT IS SO ORDERED.**

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15 Date:

HONORABLE JOHN A. MENDEZ
U.S. DISTRICT JUDGE

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