

NO. 09-10875

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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UNITED STATES OF AMERICA,  
*Respondent - Appellee,*

V.

HOLY LAND FOUNDATION FOR  
RELIEF AND DEVELOPMENT, ET AL.,  
*Defendants*

*Appeal Of:*

NORTH AMERICAN ISLAMIC TRUST  
*Movant - Appellant.*

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
*United States v. Holy Land Foundation For Relief and Development, et al.,*  
CASE NO. 3:04-CR-0240

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APPELLANT'S MOTION FOR A TEN-DAY EXTENSION  
OF TIME TO FILE APPELLANT'S BRIEF

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U. S. COURT OF APPEALS  
**FILED**

JAN 13 2010

CHARLES R. FULBRUGE III  
CLERK

Appellant North American Islamic Trust ("NAIT") hereby moves this Court, pursuant to Fifth Circuit Rule 31.4.3.2, for a ten (10) day extension of time to file its Appellant's Brief, to and including February 1, 2010. In support of this Motion, NAIT states as follows:

1. NAIT's Appellant's Brief was initially due on December 21, 2009.
2. On December 3, 2009, NAIT requested from this Court and was granted a thirty (30) day Level 1 extension of time to file its Appellant's Brief. NAIT's due date was extended to January 20, 2010.
3. On January 5, 2010, NAIT filed with this Court two unopposed motions, essentially requesting an Order directing the District Court for the Northern District of Texas to give NAIT access to certain documents currently under seal in the District Court.
4. The aforementioned motions are pending before this Court.
5. To ensure NAIT has access to the full record on appeal – including documents that are currently under seal in the District Court and unavailable to NAIT without an Order of this Court – NAIT requests an additional ten (10) day extension to file its Appellant's Brief. Inasmuch as the ten days would expire on Saturday, January 30, 2010, NAIT seeks an extension to and including the following Monday, which is February 1, 2010.

6. An additional ten (10) day extension is within the Fifth Circuit's forty (40) day maximum period for extensions in civil cases. (See Fifth Circuit Rule 31 Internal Operating Procedure.)

7. NAIT has conferred with counsel for the Appellee, the United States of America. The Appellee does not oppose this motion.

WHEREFORE the North American Islamic Trust respectfully requests that this Court enter an order granting NAIT an extension to and including February 1, 2010 to file its Appellant's Brief.

Dated: January 12, 2010

Respectfully Submitted,

By. 

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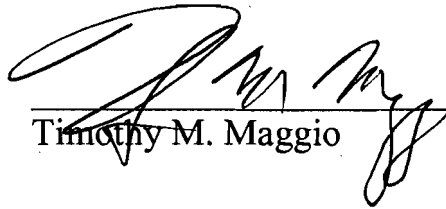
(312) 443-0336 fax

**ATTORNEY FOR APPELLANT**

**NORTH AMERICAN ISLAMIC TRUST**

**CERTIFICATE OF CONFERENCE**

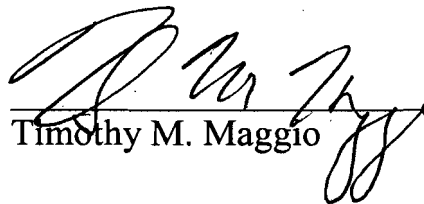
Counsel for the North American Islamic Trust conferred with counsel for United States of America, Appellee, regarding this motion. The Appellee does not oppose this motion.

  
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Timothy M. Maggio

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of record on this the 12th day of January, 2010 via Federal Express to the following address:

Susan Cowger  
Assistant U.S. Attorney  
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Timothy M. Maggio