

No. 09-10875

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

HOLY LAND FOUNDATION FOR RELIEF AND DEVELOPMENT, et al.,
Defendants.

NORTH AMERICAN ISLAMIC TRUST,
Movant-Appellant.

**GOVERNMENT’S MOTION FOR LEAVE TO FILE
ITS OPENING BRIEF AND RECORD EXCERPTS UNDER SEAL**

Pursuant to Fifth Circuit Rule 25.2.8, the United States, appellee in the above-captioned case, respectfully moves for leave to file its opening brief and record excerpts under seal. In support of this motion, the government, through its undersigned attorney, represents the following:

1. This is an appeal by the North American Islamic Trust (“NAIT”) from (1) a memorandum opinion and order, issued in a criminal case against the Holy Land Foundation for Relief and Development (“HLF”) and seven individual defendants, granting in part and denying in part a third-party motion for equitable relief, and (2) the district court’s decision to seal that memorandum opinion and order.

2. NAIT moved to file its opening brief and record excerpts under seal, stating that its brief “identifies, describes, and discusses various other items sealed by the District Court in addition to the Order at issue in this appeal” and that its record excerpts contain sealed documents. This Court has not decided NAIT’s motion, but NAIT’s brief and record excerpts remain shielded from public view on PACER.

3. As NAIT’s opening brief does, the government’s brief describes and discusses both the sealed district court order and other items sealed by the district court, and also responds to arguments made by NAIT in its sealed brief.

4. In order to follow the orders of the district court and also to not publicly reveal the contents of NAIT’s sealed brief, the government seeks leave to file its brief and record excerpts under seal.

5. Counsel for NAIT has informed the government that they do not oppose this motion.

Accordingly, the United States requests that the Court enter an order allowing the government to file its opening brief and record excerpts under seal.

Respectfully submitted,

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April 5, 2010

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system on April 5, 2010.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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