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 10 *in their Official Capacities*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 IN RE NATIONAL SECURITY AGENCY) No. M:06-CV-01791-VRW
 TELECOMMUNICATIONS RECORDS)
 14 LITIGATION)

15 *This Document Solely Relates To:*)

16 AL-HARAMAIN ISLAMIC)
 FOUNDATION OF OREGON, INC.;)
 17 WENDELL BELEW; ASIM GHAFOR,)

NOTICE OF APPEAL

18 Plaintiffs,)

19 v.)

Al-Haramain Islamic Foundation
of Oregon, Inc. et al., v. Bush, et al.
 (07-CV-00109-VRW)

20 GEORGE W. BUSH, President of the United)
 States, in his official capacity; NATIONAL)
 21 SECURITY AGENCY ("NSA"); KEITH B.)
 ALEXANDER, Director of NSA, in his official)
 22 capacity; OFFICE OF FOREIGN ASSETS)
 CONTROL of the U.S. Department of the)
 23 Treasury ("OFAC"); ADAM J. SZUBIN,)
 Director of OFAC, in his official capacity;)
 24 FEDERAL BUREAU OF INVESTIGATION)
 ("FBI"); and ROBERT S. MUELLER III,)
 25 Director of FBI, in his official capacity.)

26 Defendants.

28 **Government Defendants' Notice of Appeal**
Al-Haramain v. Bush (07-cv-109-VRW) (MDL06-cv--1791-VRW)

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(1)(B), notice is given that the Government Defendants in the above-captioned case—George W. Bush, the President of the United States, in his official capacity; the National Security Agency (“NSA”); Keith B. Alexander, Director of NSA, in his official capacity; the Office of Foreign Assets Control of the U.S. Department of the Treasury (“OFAC”); Adam J. Szubin, Director of OFAC, in his official capacity; the Federal Bureau of Investigation (“FBI”); and Robert S. Mueller III, Director of FBI, in his official capacity—hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Order of the Court entered on January 5, 2009 in the above referenced action, *Al-Haramain Islamic Foundation of Oregon, et al., v. Bush, et al.* (07-cv-109-VRW). See Docket No. 57 in Civil Action 3:07-cv-109 and Docket No. 537 in Civil Action M:06-cv-1791.

Dated: January 16, 2009

Respectfully Submitted,

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