

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	No. 06-4494
v.)	
)	
ZACARIAS MOUSSAOUI,)	
)	
Appellant.)	

MOTION TO WITHDRAW

Undersigned counsel, Justin S. Antonipillai, Robert A. McCarter, Rebecca L. D. Gordon, Joseph M. Meadows, Robert Alexander Schwartz, Danielle M. Garten, and Whitney A. Moore, and the law firm of Arnold & Porter LLP (“Counsel”), hereby move for leave to withdraw as Court-appointed counsel for the appellant, Zacarias Moussaoui. In support of this motion, counsel state as follows:

1. On June 29, 2006, this Court appointed Justin S. Antonipillai to represent Mr. Moussaoui on appeal, *nunc pro tunc* to May 12, 2006. Other Counsel subsequently entered their appearances in the case.
2. On January 4, 2010, this Court issued an order affirming the judgment of the district court.
3. On February 17, 2010, Mr. Moussaoui filed a petition for

rehearing and rehearing *en banc*. On March 2, 2010, this Court denied the petition.

4. In accordance with the rules of this Court, Counsel advised Mr. Moussaoui in writing of his right to seek review in the Supreme Court. *See* Local R. 46(d). On May 13, 2010, the Supreme Court extended the deadline for Mr. Moussaoui to file a petition for a writ of certiorari until June 30, 2010, and on June 23, 2010, the Supreme Court further extended the deadline through July 30, 2010.

5. After being advised in writing of his right to seek review in the Supreme Court, Mr. Moussaoui did not authorize Counsel to file a petition for a writ of certiorari in this case. The July 30, 2010 deadline for the filing of a petition for certiorari has now expired.

6. In this context, Counsel respectfully move to withdraw as counsel for the appellant. Counsel also request that the Court inform Mr. Moussaoui directly in writing should this motion be granted.

7. Counsel further request that this Court notify Mr. Moussaoui of his right to file a petition under 28 U.S.C. § 2255 and of the applicable deadlines. A petition under Section 2255 is due within one year after the petition for a writ of certiorari would have been due.

28 U.S.C. § 2255(f)(1). Mr. Moussaoui therefore must file any
Section 2255 petition by July 30, 2011.

Respectfully Submitted,

/s/ Justin S. Antonipillai

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Counsel for Zacarias Moussaoui

DATED: August 5, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2010, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Kevin R. Gingras, Esq.
Appellate Section, Criminal Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
RFK Suite 1705
Washington, D.C. 20530

I further certify that on August 5, 2010, I caused a copy of the foregoing to be served by overnight mail on the following recipient at the following address:

Zacarias Moussaoui
Reg. No. 51427-054
USP Florence ADMAX
U.S. Penitentiary
Florence, CO 81226

/s/ Robert Alexander Schwartz
Robert Alexander Schwartz