

Filed 12/21/04  
Clerk, U. S. District Court  
Western District of Texas

UNITED STATES DISTRICT COURT <sup>By</sup> g Deputy  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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IN RE: Request from Requesting State §  
Pursuant to the Treaty §  
Between the United States of §  
America and the Requesting §  
State on Mutual Assistance §  
in Criminal Matters §

No. SA-04CA0676-OG

**FILED UNDER SEAL**

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GOVERNMENT'S REQUEST FOR A TEN DAY EXTENSION FOR AN IN CAMERA REVIEW OF THE ITALIAN GOVERNMENT'S REQUEST TO SEAL

Comes now the United States of America and files this its' request for a ten day extension for an in camera review prior to the unsealing of the mutual assistance request (hereinafter MLAT) in the above entitled and numbered case and for cause would show as follows:

Pursuant to the Order of this honorable Court the MLAT in the above entitled numbered cause is to be unsealed on or about the 23<sup>rd</sup> of December. The order was forwarded through official channels to the Office of International Affairs to the Italian government. The Italian government has now responded and forwarded a communique they believe sets out the reasons that the MLAT should remain sealed. The response was presented to the United States through its' legal attache in Rome, Nick Acker. A copy of the e-mail from Mr. Acker to the undersigned Assistant United States Attorney is attached hereto as exhibit "A". The Italian government's response must now be translated and

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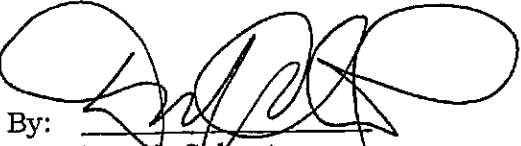
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forwarded through official channels back to the United States wherein it may then may be presented for an in camera review by this honorable Court. The necessary time created as a consequence of the official nature of the request and a necessary translation have resulted in time delays which precludes a response in the time granted by this honorable Court. As such, the United States respectfully requests a ten (10) day extension so that the document may be forwarded and translated for the in camera presentation. This request is made not for purposes of delay but in the interest of justice.

Wherefor, premises considered the United States respectfully requests that this honorable Court deny the Motion to Unseal.

Respectfully submitted,  
JOHNNY SUTTON  
UNITED STATES ATTORNEY

By:

  
Don J. Calvert  
Assistant United States Attorney

**Calvert, Don**

**From:** Acker, Nicholas S.  
**Sent:** Tuesday, December 21, 2004 11:48 AM  
**To:** Calvert, Don  
**Subject:** Response from Italians in Rackspace  
Dear Mr. Calvert:

This is to confirm our telephone conversation of earlier today in which I informed you that we today received a response by the Bologna Prosecutor's Office to Judge Garcia's Order dated December 9, 2004. The response, which is in Italian, explains why the MLAT request in this domestic terrorism matter needs to remain under seal to protect the integrity of the Italian investigation. As discussed, we need to have the letter translated into English, which will take a least a couple of days, and possibly longer considering that this is a holiday week.

Please contact me if you have any further questions.

Yours sincerely,

Nicholas S. Acker  
Department of Justice Attache'  
U.S. Embassy -- Rome, Italy

EXHIBIT "A"

12/21/2004