

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE THE EXTRADITION OF

No. 1:03M205-1

██████████

MOTION TO STAY CERTIFICATION OF EXTRADITION

██████████ through his legal counsel, Gregory Davis, Assistant Federal Public Defender for the Middle District of North Carolina does hereby move this Honorable Court for an Order staying certification of extradition in this case, and in support of this motion does hereby show unto the court the following:

1. On October 31, 2003, ██████████ was arrested on a warrant after Romanian authorities presented a formal request for his extradition.
2. A hearing to determine whether to certify ██████████ extradition was held on November 17, 2003 before the Honorable United States Magistrate Judge Wallace W. Dixon who entered a written Memorandum and Order certifying ██████████ extradition on December 9, 2003.
3. The matter of the extradition of ██████████ is now in the hands of the United States Secretary of State to finally decide whether to honor the extradition request of Romania.
4. Simultaneously with the filing of this motion, ██████████ has filed a petition for a writ of habeas corpus seeking to have this court review the order of Judge Dixon certifying ██████████ extradition.

5. Pursuant to the treaty between the United States and Romania, the United States is obligated to surrender [REDACTED] to Romanian authorities within 60 days of the certification of his extradition.

6. The 60 day time limit in which the Secretary of State must decide whether to honor the extradition request of Romania will expire on or about February 7, 2004.

7. [REDACTED] could be irreparably harmed if the certification of his extradition is not stayed pending a hearing on his petition for a writ of habeas corpus.

8. [REDACTED] has claimed that the treaty between the United States and Romania does not apply to him since he has been granted asylum in the United States and that his extradition to Romania is prohibited by Article 3 of the United Nations Convention Against Torture and Title 8 , United States Code, Section 1158(c).

9. The only right of review of an order certifying extradition available to [REDACTED] is a petition for a writ of habeas corpus.

10. The interest of justice requires that this motion be granted and the order certifying the extradition of [REDACTED] be stayed until the court has had ample time to act upon the petition for writ of habeas corpus filed by [REDACTED]

This the th day of January, 2004.

LOUIS C. ALLEN, III
FEDERAL PUBLIC DEFENDER

Gregory Davis, Senior Litigator
251 N. Main Street, Suite 849
Winston-Salem, NC 27101
336-631-5278
NCSB # [REDACTED]

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion to Stay Certification of Extradition was served upon the United States by hand delivering a copy to Assistant United States Attorney Robert H. Hamilton at 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 and mailing a copy, first class mailed, postage prepaid to Kenneth Propp, Attorney Adviser, United States Department of State, 2201 C Street NW, Washington, D.C. 20520.

This the th day of January, 2004.

Gregory Davis
Assistant Federal Public Defender

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE THE EXTRADITION OF

No. 1:03M205-1

John Doe

ORDER STAYING CERTIFICATION OF EXTRADITION

John Doe through his legal counsel, Gregory Davis, Assistant Federal Public Defender for the Middle District of North Carolina, has moved this court for an order Staying Certification of Extradition in this case, and it appearing to the court that good and sufficient reasons has been presented to justify granting this motion, pending a hearing on the petition for a writ of habeas corpus filed by Mr. Mironescu,

IT IS HEREBY ORDERED that the certification of extradition signed by the Honorable Wallace W. Dixon on December 9, 2003 be and the same is HEREBY STAYED pending further orders of this court.

SO ORDERED this ____ day of January, 2004.

United States District Judge