

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ABUKAR HASSAN AHMED,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CASE NO. 2:10-cv-342</b>
	:	
<b>v.</b>	:	
	:	
<b>ABDI ADEN MAGAN,</b>	:	<b>JUDGE SMITH</b>
	:	
<b>Defendant.</b>	:	<b>MAGISTRATE JUDGE ABEL</b>

**NOTICE OF POTENTIAL PARTICIPATION**  
**BY THE UNITED STATES OF AMERICA**

The parties in this action dispute whether Defendant is immune from the Court's jurisdiction. On December 6, 2010, this Court entered an Order inviting the United States to file a Statement of Interest by January 31, 2011, or to notify the Court that it intends to file a Statement of Interest at a later date. *See* Doc. #29. The United States hereby respectfully notifies the Court that it is actively considering whether to participate in this litigation as allowed by 28 U.S.C. § 517. This suit against a former, high-level foreign official raises significant issues that require further consideration by a number of senior officials in the Executive Branch before a final decision can be made about the United States' participation in this matter. While recognizing the importance of the suit proceeding expeditiously, the United States respectfully requests that any decision that addresses the immunity of a foreign official be deferred until it has had the opportunity to complete its deliberations. The United States currently expects to

complete its consideration by March 15, 2011, and will advise the Court of its determination by that date. We regret any delay to the Court and to the parties.

Dated: January 26, 2011

Respectfully submitted,

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*Counsel for the United States*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2011, the foregoing *Notice of Potential Participation* was filed using the Court's CM/ECF system, which will notify all counsel of record in this matter.

s/ John J. Stark  
John J. Stark  
Assistant United States Attorney