

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA/JOHNSON

JANE DOE #1 AND JANE DOE #2,

Petitioners,

vs.

UNITED STATES,

Respondent.

_____ /

**UNITED STATES' RESPONSE TO
PETITIONERS' PROTECTIVE MOTION FOR REMEDIES**

The United States, by and through undersigned counsel, hereby responds to the Petitioners' *Protective Motion for Remedies*.

In their *Protective Motion for Remedies*, Petitioners "ask[] the Court to award all the[] remedies that they outline in their responses to the [government's] motion to dismiss." DE 128 at 1-2. Petitioners further contend that "[t]he Court should award all of these remedies to the victims for the reasons explained in their pleadings and because these remedies address the Government's violation of their rights." *Id.* at 2.

As a threshold matter, Petitioners' *Protective Motion for Remedies* should be denied because no such motion is cognizable under the Crime Victims Rights Act, 18 U.S.C. § 3771, or under any rules of Court, and because the motion fails to "incorporate a memorandum of law citing supporting authorities," as required by Rule 7.1(a)(1) of the Local Rules. S.D. Fla. L.R. 7.1(a)(1). Indeed, although Petitioners refer to their "response to the Government's motion to dismiss and sealed response to the Government's motion to dismiss," DE 128 at 1, neither of those filings contains citation to authority that even purports to furnish specific support for any

of the myriad of remedies listed in those documents, except for the requested remedy that the Court cancel or rescind a non-prosecution agreement.

In any event, the United States denies that Petitioners are entitled to any of the remedies that they identify in either their response to the government's motion to dismiss or their sealed supplemental response to the motion to dismiss. For reasons that include those set forth in the United States' *Sealed Motion to Dismiss for Lack of Subject Matter Jurisdiction* and *Sealed Reply in Support of its Motion to Dismiss for Lack of Subject Matter Jurisdiction*, both of which the United States hereby incorporates into this response, the remedies identified by Petitioners are unavailable to them in these proceedings pursuant to the CVRA.

WHEREFORE the United States respectfully requests that this Court enter an order denying the Petitioners' *Protective Motion for Remedies*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *United States' Response to Petitioners' Protective Motion for Remedies* was filed with the Clerk of the Court and served on counsel on the attached list using CM/ECF.

s/ Eduardo I. Sánchez
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SERVICE LIST

Jane Does 1 and 2 v. United States,
Case No. 08-80736-CIV-MARRA/JOHNSON
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