

JUDGE EXPLAINS RULING ON MEGAHEDE DEPORTATION

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Body

The immigration **judge** in Miami-Dade County who spared Youssef **Megahed** from **deportation** said in a written order Friday that the government failed to prove the University of South Florida student is linked to a terrorist cell or that he has an escalating interest in terrorism.

"In spite of an FBI investigation which delved deeply into (**Megahed**'s) Internet usage and network of friends, the (Department of Homeland Security) never alleged or proved that (**Megahed**) belongs to a network of individuals who share anti-American beliefs or terrorists ambitions," Immigration **Judge** Kenneth S. Hurewitz wrote in a 66-page order.

The document elaborated on his August oral **ruling** that dismissed a **deportation** case against **Megahed** and set him free. That followed a weeklong **deportation** hearing in South Florida.

Homeland Security attorneys and the FBI claimed **Megahed** and Ahmed Mohamed were part of a budding terrorist cell in Tampa.

The pair were arrested on Aug. 4, 2007, in Goose Creek, S.C., when a deputy stopped them for speeding and found PVC pipes stuffed with a potassium nitrate mixture in the car's trunk.

Mohamed said they belonged to him and described them as sugar rockets. The FBI called them low-grade explosives and charged the men with illegal transportation of explosive materials and possession of a destructive device.

Megahed was acquitted of the charges at a criminal trial in Tampa but taken into immigration custody just days after the jury's verdict.

Mohamed pleaded guilty to providing material support to terrorists and received 15 years in prison. Mohamed admitted posting a YouTube video showing how to turn a child's toy into a detonator. He said he intended it for enemies of the United States.

Homeland Security attorneys argued that Mohamed was an outspoken individual with extreme Islamic views. They said he shared those views with anyone he met and doubted **Megahed** had been spared.

The government presented Internet history searches they claimed were done by **Megahed** at home, showing brief visits to sites that showed rockets launching in the Middle East against U.S. military forces. **Megahed** also viewed sites that showed how rockets and guns worked.

The defense **explained** those by saying **Megahed** was a mechanical engineering student with a natural curiosity.

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"The court does not equate the act of reading Web pages on Wikipedia.com or similar Web sites with an expression of endorsement or support," the **judge** said.

Hurewitz noted that the "vast majority" of sites visited by **Megahed** on an FBI spreadsheet were "typical of any college student - i.e. Facebook.com, online chess, research about graduate programs, etc.,"

Hurewitz also said the government failed to prove its theory that **Megahed** and Mohamed were on a sinister road trip.

"Absolutely nothing found on the GPS suggests that (**Megahed**) or Mohamed were searching for a military base or any other potential terrorist target," Hurewitz wrote.

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