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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

OMAR QAZI,

Defendant-Appellee.

No. 17-10004

D.C. No.

2:15-cr-00014-APG-VCF-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Andrew P. Gordon, District Judge, Presiding

Submitted February 16, 2018**
San Francisco, California

Before: BEA and N.R. SMITH, Circuit Judges, and LASNIK,*** District Judge.

The government appeals the district court's order suppressing Omar Qazi's post-arrest statements upon finding that Qazi was given a deficient *Miranda v.*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington, sitting by designation.

Arizona, 384 U.S. 436 (1966), warning. We have jurisdiction under 18 U.S.C. § 3731, and we reverse.

Qazi argues that the *Miranda* warning was insufficient because it failed to inform him that he had a right to an attorney “before and during questioning” and that the statement given was merely the *Miranda* Court’s “summary,” not its holding. We review the sufficiency of a *Miranda* warning de novo. *United States v. Loucious*, 847 F.3d 1146, 1148-49 (9th Cir. 2017).

Miranda held that “the following measures are required”: “Prior to any questioning, the person must be warned that . . . *he has a right to the presence of an attorney.*” 384 U.S. at 444 (emphasis added); *see also id.* at 478-79 (reiterating similar language). Qazi was informed: “You have the right to the presence of an attorney.” “[W]e emphasize that while Supreme Court case law does not require a verbatim recitation of *Miranda*’s warnings, *it does not proscribe it either.*” *Loucious*, 847 F.3d at 1151 (emphasis added). Here, the *Miranda* warning given to Qazi was nearly verbatim to the language in *Miranda*, changing only the pronoun and the verb. Qazi was not given an insufficient *Miranda* warning.

REVERSED AND REMANDED.