

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-cr-223 (NEB/TNL)

Plaintiff,

v.

**THIRD AMENDED
ARRAIGNMENT NOTICE &
CASE MANAGEMENT ORDER**

Aimee Marie Bock *et al.*,

Defendants.

Counsel for all parties are instructed to review this Order carefully and in its entirety as it represents a significant deviation from the schedules that ordinarily govern criminal cases in the District of Minnesota.

This matter comes before the Court on the Government's Motion for Extension of Time to Respond to Defendants' Pretrial Motions, ECF No. 239, and Defendant Ahmed Mohamed Artan's Motion to Join, ECF No. 241. This matter was previously designated complex under 18 U.S.C. § 3161(h)(7)(B)(ii). *See generally* ECF No. 95.

Government's Motion. The Government requests a two-week extension to respond to the pretrial motions filed in this matter. The Government states that it "has been working on its responses to the motions, but given the sheer number of motions and the additional case[-]related obligations of members of the prosecution team," additional time is needed. ECF No. 239 at 2. The Government requests that the deadline to respond be extended to February 9, 2024.

In the Court’s Second Amended Arraignment Notice & Case Management Order, the Court stated that “any response to . . . a request [to modify the schedule] shall be filed within three days.” ECF No. 170 at 6. No responses have been received. *Cf.* ECF No. 239 at 2. Accordingly, the Government’s motion is unopposed.

Artan’s Motion. In a text-only order issued on January 23, 2024, the Court noted that Artan had twice been “ordered to file a letter indicating whether he would be filing pretrial motions in this matter.” ECF No. 234; *see also* ECF No. 199 at 1-2; ECF No. 170 at 4. As Artan had neither filed pretrial motions nor the letter ordered by the Court, the Court set a status conference. *See generally* ECF No. 234.

After the status conference was set, one of Artan’s attorneys filed a letter explaining the circumstances of the oversight.¹ *See generally* ECF No. 236. The Court set deadlines for Artan to “file a formal motion seeking leave to join in certain motions of his co-defendants out of time” and for the Government to respond to any such motion. ECF No. 239. Artan subsequently filed a motion seeking to join Defendant Aimee Marie Bock’s Motion to Dismiss the Indictment or, in the Alternative, for a Bill of Particulars, ECF No. 194, and Defendant Abdulkadir Nur Salah’s Motion for a *Franks* Hearing, ECF No. 188, and Motion to Define the Scope of the Prosecution Team and Require Disclosures, *see* ECF Nos. 192, 192-1. The Government did not respond to Artan’s motion. Accordingly, the motion is unopposed.

¹ The Court notes that the letter’s author is one of two attorneys retained in this matter. *See generally* ECF Nos. 138, 139.

Bearing in mind the complexity of this case, the number of pretrial motions, and the absence of any objection to the Government's requested extension as well as there being no suggestion of a lack of diligent preparation by the Government, the Court finds pursuant to 18 U.S.C. § 3161(h) that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on the foregoing, **IT IS HEREBY ORDERED** that:

1. The Government's Motion for Extension of Time to Respond to Defendants' Pretrial Motions, ECF No. 239, is **GRANTED**.

2. Artan's Motion to Join, ECF No. 241, is **GRANTED**.

3. As to Defendants Salim Ahmed Said, Abdihakim Ali Ahmed, Abdikadir Ainanshe Mohamud, Ahmed Abdullahi Ghedi, and Abdirahman Mohamud Ahmed, an arraignment hearing will be held before the undersigned on **March 6, 2024, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.²

4. All responses to motions must be filed by **February 9, 2024**. *See* D. Minn. LR 12.1(c)(2). **Pursuant to the Court's prior text order, "any response to motions 188, 189, 193, 198, 205, 213, 222, and 200 as it relates to 188 shall be filed separately from the response to the other pretrial motions."** ECF No. 232.

² The arraignments for Defendants Asad Mohamed Abshir and Hamdi Hussein Omar remain set for February 9, 2024. ECF No. 233.

5. Any Notice of Intent to Call Witnesses must be filed by **February 9, 2024**.
See D. Minn. LR. 12.1(c)(3)(A).

6. Any Responsive Notice of Intent to Call Witnesses must be filed by **February 16, 2024**. *See* D. Minn. LR 12.1(c)(3)(B).

7. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

8. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **March 6, 2024, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.³ *See* D. Minn. LR 12.1(d). **The parties shall be prepared to continue the hearing into March 7, 2024, if necessary.**

9. **TRIAL: The trial date, and other related dates, including but not limited to motions for counsel to participate in voir dire, will be set by District Judge Nancy E. Brasel. Counsel must contact the Courtroom Deputy for Judge Brasel to confirm the trial date following the ruling on any pretrial motions.**

10. The period of time from **the date of this Order through February 9, 2024**, shall be excluded from Speedy Trial Act computations in this case. *See United States v.*

³ Defendant Abdinisir Mahamed Abshir remains excused from the motions hearing. ECF No. 179.

Mallett, 751 F.3d 907, 911 (8th Cir. 2014) (“Exclusions of time attributable to one defendant apply to all codefendants.” (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).

11. **Should a party request modification of this schedule, any response to such a request shall be filed within three days.**

12. All prior consistent orders relating to the Indictment remain in full force and effect.

13. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like.

Date: February 5, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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