UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America, Plaintiff, v. Abdiaziz Shafii Farah *et al.*, Defendants.	Case No. 22-cr-124 (NEB/TNL) **THIRD AMENDED ARRAIGNMENT NOTICE & CASE MANAGEMENT ORDER**

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.

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This matter comes before the Court on the Government's Motion for Extension of Time to Respond to Defendants' Pretrial Motions, ECF No. 273. This matter was previously designated complex under 18 U.S.C. § 3161(h)(7)(B)(ii). *See generally* ECF No. 125.

The Government seeks a 14-day extension of time to respond to pretrial motions filed in this matter, up to and including July 10, 2023. The Government states that the number of motions "combined with undersigned[counsel]'s ongoing duties in a range of other matters as well as the temporary absence of some members of the prosecution's team (including parental leave) . . . requires additional time to ensure that its response is helpful to the Court." ECF No. 273 at 2.

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In the prior Second Amended Arraignment Notice & Case Management Order, the Court stated that "any response to . . . a [party's] request [to modify the schedule] shall be filed within three days." ECF No. 264 at 7. The Government's motion was filed on June 23, 2023. No responses have been filed. Further, the Government represents that it "reached out to counsel for the defendants who filed pretrial motions to get their position" on the requested extension and all of them "indicated that they have no objection to" the Government's request.[1]

Bearing in mind the complexity of this case, the absence of any objection to the requested continuance, and the exercise of due diligence, 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 Government and its 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. 273, is **GRANTED**.

2. The period of time from **the date of this Order through July 10, 2023**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*,

[1] The Court previously noted that Defendants Abdiaziz Shafii Farah and Mohamed Jama Ismail have both "assert[ed] their speedy trial rights to the fullest." ECF No. 165 at 3 (quotation omitted); *see* ECF Nos. 155 at 2, 156 at 2. Again, no objections have been filed in response to the requested extension and Defendants Abdiaziz Shafii Farah and Mohamed Jama Ismail are among the defendants who filed pretrial motions. The Court additionally notes that Defendants Abdiaziz Shafii Farah and Mohamed Jama Ismail are no longer in custody. *See generally* ECF Nos. 202, 203, 204, 209, 208, 209, 210.

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).

3. As to Defendants Mohamed Jama Ismail, Abdimajid Mohamed Nur, and Hayat Mohamed Nur, an arraignment hearing will be held before the undersigned on **August 21, 2023, at 9:30 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 **July 10, 2023**. *See* D. Minn. LR 12.1(c)(2).

5. Any Notice of Intent to Call Witnesses must be filed by **July 10, 2023**. *See* D. Minn. LR. 12.1(c)(3)(A).

6. Any Responsive Notice of Intent to Call Witnesses must be filed by **July 17, 2023**. *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.

[2] The Court notes that Defendants Abdimajid Mohamed Nur and Hayat Mohamed Nur have each filed letters indicating that they will not be filing pretrial motions. *See generally* ECF Nos. 268, 269. Defendants Abdimajid Mohamed Nur and Hayat Mohamed Nur are still expected to appear on August 21 for their arraignments.

8. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **August 21, 2023, at 9:30 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d). **The parties shall be prepared to continue the hearing into August 22, 2023, if necessary.**

9. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY A DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions, **motions for counsel to participate in voir dire**, and jury instructions must be submitted to District Judge Nancy E. Brasel on or before **October 10, 2023**.

This case must commence trial on **October 23, 2023, at 9:00 a.m.,** before District Judge Nancy E. Brasel in Courtroom 13W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, including but not limited to motions for counsel to participate in voir dire, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Nancy E. Brasel to confirm the new trial date.

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

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

12. 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: June 27, 2023

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

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