

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA Plaintiff, v. 4. ABDULKADIR NUR SALAH, Defendant.	Case No. 22-CR-223(4) (NEB/DTS) MOTION FOR LEAVE TO SUBMIT REPLY BRIEF IN RESPONSE TO UNITED STATES' SUPPLEMENTAL BRIEFING
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Defendant Abdulkadir Salah respectfully moves the Court for leave to file a reply brief in response to the United States' Consolidated Response to Defendant's Pretrial Motions, filed on June 28, 2024. (Docket No. 308.) The Defendant's proposed reply brief is attached to this motion as Exhibit 1. If leave is granted, Defendant will file the attached reply memorandum as a separate docket entry.

The Court ordered the parties to file supplemental briefing on Defendant's motion to expand the scope of the prosecution team. (Order, Docket No. 297.) The Defendant filed the required supplemental brief on May 31, 2024. (Docket No. 302.) The United States filed the above-referenced response.

The United States' response includes multiple new arguments and averments, which raise serious concerns and warrant a reply. First and foremost, the United States has now publicly disclosed matters occurring before the Grand Jury, in violation of Federal Rule of Criminal Procedure 6(e). In addition to being improper, this disclosure unnecessarily and improperly impugns the reputation of the Defendants in this case based on potential charges that have not yet been approved by a Grand Jury.

Second, the United States has admitted that it obtained trial preparation materials for its trial in the *Farah* matter pursuant to a Grand Jury subpoena that had been extinguished by a prior indictment, in violation of well-established precedent. Third, the United States has suggested that it believes it is authorized to use Grand Jury subpoenas issued prior to the original indictment to obtain materials in furtherance of a superseding Grand Jury investigation, in violation of well-established precedent. Fourth, the United States has also admitted that it provided the Defendants in this case with voluminous discovery knowing that the materials had nothing to do with this case. Fifth, the United States has cited trial testimony from its recently-concluded trial, and recent interactions with MDE, without providing the underlying transcripts and supporting materials to the Defendants in this case.

As the moving party, the Defendant requests that the Court accept the attached reply brief which, in fairness is necessary to contextualize the United States' response and identify the United States' several violations of applicable rules and law.

Respectfully submitted,

Dated: July 3, 2024

GREENE ESPEL, P.L.L.P.

s/ Surya Saxena

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