

**U.S. District Court
Eastern District of Michigan (Detroit)
CRIMINAL DOCKET FOR CASE #: 2:02-cr-81007-RHC-1**

Case title: USA v. Issa
Magistrate judge case number: 2:02-mj-81007

Date Filed: 12/04/2002
Date Terminated: 04/08/2004

Assigned to: District Judge Robert H.
Cleland

Defendant (1)

Mohamed Ahmed Issa

TERMINATED: 04/08/2004

also known as

Tajbaev Bourkhanidin

TERMINATED: 04/08/2004

also known as

Ahmed Issa

TERMINATED: 04/08/2004

also known as

Issa Bourkhanidin

TERMINATED: 04/08/2004

represented by **Federal Defender**

Federal Defender Office

653 S. Saginaw

Suite 105

Flint, MI 48502-1523

810-232-3600

TERMINATED: 06/04/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Rafael C. Villarruel

Federal Defender Office

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5th Floor

Detroit, MI 48226

313-967-5555

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TERMINATED: 06/04/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Richard D. Korn

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Detroit, MI 48226

313-223-1000

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1546(a) OBTAINING A UNITED STATES VISA THROUGH FALSE PERSONATION
(4ss)

18:1001 FALSE STATEMENT
(5ss)

18:1028(a)(4) POSSESSION OF GOVERNMENT IDENTIFICATION CARD WITH THE INTENT TO DEFRAUD THE UNITED STATES
(7ss)

18:1001 FALSE STATEMENT
(8ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1546(a) POSSESSION OF COUNTERFEITED ALIEN REGISTRATION RECEIPT CARD
(1)

18:1546(a) FALSE APPLICATION FOR UNITED STATES VISA
(1s)

18:1546 FALSE APPLICATION FOR UNITED STATES VISA
(1ss)

18:1546 OBTAINING A UNITED

Disposition

IMPRISONMENT: 6 MONTHS TO RUN CONCURRENTLY WITH COUNTS 5SS, 7SS AND 8SS; SUPERVISED RELEASE: 3 YEARS; SPECIAL ASSESSMENT: \$400.

IMPRISONMENT: 6 MONTHS TO RUN CONCURRENTLY WITH COUNTS 4SS, 7SS AND 8SS; SUPERVISED RELEASE: 3 YEARS

IMPRISONMENT: 6 MONTHS TO RUN CONCURRENTLY WITH COUNTS 4SS, 5SS AND 8SS; SUPERVISED RELEASE: 3 YEARS

IMPRISONMENT: 6 MONTHS TO RUN CONCURRENTLY WITH COUNTS 4SS, 5SS AND 7SS; SUPERVISED RELEASE: 3 YEARS

Disposition

DISMISSED BY GOVERNMENT

DISMISSED BY GOVERNMENT

DISMISSED BY GOVERNMENT

DISMISSED BY GOVERNMENT

STATES VISA BY MEANS OF
FALSE CLAIMS AND
STATEMENTS

(2s)

18:1546 OBTAINING A UNITED
STATES VISA BY MEANS OF
FALSE CLAIMS AND
STATEMENTS

(2ss)

DISMISSED BY GOVERNMENT

18:1546(a) OBTAINING A UNITED
STATES VISA BY MEANS OF
FALSE CLAIMS AND
STATEMENTS

(3s)

DISMISSED BY GOVERNMENT

18:1546(a) OBTAINING A UNITED
STATES VISA BY MEANS OF
FALSE CLAIMS AND
STATEMENTS

(3ss)

DISMISSED BY GOVERNMENT

18:1546(a) USE OF FALSE
FOREIGN PASSPORT

(6ss)

DISMISSED BY GOVERNMENT

Highest Offense Level
(Terminated)

Felony

Complaints

18:1546 SUBSCRIBE AS TRUE
UNDER PENALTY OF PERJURY
A FALSE STATEMENT WITH
RESPECT TO A MATERIAL FACT
IN AN APPLICATION FOR
UNITED STATES VISA [2:02-m -
81007]

Disposition

MOTION AND ORDER
DISMISSING COMPLAINT [2:02-
m -81007]

Plaintiff

United States of America

represented by **Eric M. Straus**
United States Attorney's Office
211 W. Fort Street
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Detroit, MI 48226-3211

313-226-9100
 Email: eric.straus@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: U.S. Attorney

Date Filed	#	Docket Text
11/07/2002	1	COMPLAINT sworn before Magistrate Judge Steven D. Pepe against Tajbaev Bourkhanidin (1) count(s) cmp [2:02-m -81007] (ml) (Entered: 11/07/2002)
11/07/2002		WARRANT for arrest issued as to defendant Tajbaev Bourkhanidin [2:02-m -81007] (ml) (Entered: 11/07/2002)
11/07/2002		INITIAL appearance by defendant Tajbaev Bourkhanidin (1) count(s) cmp before Magistrate Judge Steven D. Pepe, setting detention hearing for 1:00 11/12/02 , setting preliminary examination for 1:00 11/12/02 - D/Atty: Richard O'Neill - AUSA: Eric Straus - Tape # SDP 02-289 [2:02-m -81007] (ml) (Entered: 11/07/2002)
11/07/2002	3	ORDER by Magistrate Judge Steven D. Pepe appointing the Federal Defender Office to represent defendant Tajbaev Bourkhanidin [2:02-m -81007] (PP) (Entered: 11/18/2002)
11/07/2002	4	ORDER by Magistrate Judge Steven D. Pepe as to defendant Tajbaev Bourkhanidin, for temporary detention pending hearing pursuant to bail reform act [EOD Date 11/18/02] [2:02-m -81007] (PP) (Entered: 11/18/2002)
11/12/2002		DETENTION hearing adjourned as to defendant Tajbaev Bourkhanidin to 1:00 11/14/02 - Magistrate Judge Virginia M. Morgan D/Atty: Rafael Villarruel AUSA: Joe Allen Tape #: VMM 02-291 [2:02-m -81007] (ml) (Entered: 11/12/2002)
11/12/2002	5	ORDER by Magistrate Judge Virginia M. Morgan as to defendant Tajbaev Bourkhanidin, for temporary detention pending hearing pursuant to bail reform act [EOD Date 11/18/02] [2:02-m -81007] (PP) (Entered: 11/18/2002)
11/14/2002		PRELIMINARY examination held as to defendant Tajbaev Bourkhanidin - probable cause found - Magistrate Judge Virginia M. Morgan D/Atty: Rafael Villarruel AUSA: Eric Straus Tape #: VMM 02-293 [2:02-m -81007] (ml) (Entered: 11/14/2002)
11/14/2002		DETENTION hearing held as to defendant Tajbaev Bourkhanidin Disposition: bond denied - Magistrate Judge Virginia M. Morgan D/Atty: Rafael Villarruel AUSA: Eric Straus Tape #: VMM 02-293 [2:02-m -81007] (ml) (Entered: 11/14/2002)

11/14/2002	2	ORDER by Magistrate Judge Virginia M. Morgan as to defendant Tajbaev Bourkhanidin, for detention pending trial [EOD Date 11/18/02] [2:02-m -81007] (PP) (Entered: 11/18/2002)
11/19/2002	6	WARRANT for arrest returned executed by Special Agent on 11/7/02 as to defendant Tajbaev Bourkhanidin [2:02-m -81007] (PP) (Entered: 11/20/2002)
12/04/2002	8	INDICTMENT against Mohamed Ahmed Issa (1) count(s) 1 (RH) (Entered: 12/10/2002)
12/06/2002	7	ORDER by Magistrate Judge Donald A. Scheer with motion dismissing complaint without prejudice and cancelling bond as to Tajbaev Bourkhanidin (1) count(s) cmp [EOD Date: 12/9/02] [2:02-m -81007] (RH) (Entered: 12/09/2002)
12/13/2002		ARRAIGNMENT held, plea of not guilty entered by Mohamed Ahmed Issa (1) count(s) 1 defendant acknowledged indictment on record but would not sign acknowledgment - Magistrate Judge R. Steven Whalen - D/Atty: Rita Chastang - AUSA: John Engstrom - Tape #: RSW 02-318 (ml) (Entered: 12/13/2002)
12/16/2002	9	NOTICE of setting criminal status conference for 9:00 12/20/02 for Mohamed Ahmed Issa (ew) (Entered: 12/19/2002)
12/18/2002	10	NOTICE setting plea for 10:00 1/8/03 for Mohamed Ahmed Issa (ew) (Entered: 12/19/2002)
12/19/2002	11	AMENDED NOTICE of plea for 10:00 1/9/03 for Mohamed Ahmed Issa (ew) (Entered: 12/20/2002)
01/09/2003		PLEA held as to defendant Mohamed Ahmed Issa, plea of guilty entered by Mohamed Ahmed Issa (1) count(s) 1 , defendant referred to probation - Judge Robert H. Cleland - Court Reporter: Mary Wisneski- Interpreter: Sofya Loza (lt) (Entered: 01/10/2003)
01/09/2003		ORAL MOTION by defendant Mohamed Ahmed Issa to expedite the presentence report (lt) (Entered: 01/10/2003)
01/09/2003		MOTION hearing held as to defendant Mohamed Ahmed Issa on motion to expedite the presentence report by Mohamed Ahmed Issa [0-0] - disposition: GRANTED - Judge Robert H. Cleland - Court Reporter: Mary Wisneski (lt) (Entered: 01/10/2003)
01/09/2003		SCHEDULE: by Judge Robert H. Cleland setting sentencing for 2:00 4/10/03 for Mohamed Ahmed Issa (lt) (Entered: 01/10/2003)
01/09/2003	12	ORDER by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa, defining counsel's presentence report responsibilities [EOD Date 1/10/03] (PP) (Entered: 01/10/2003)
01/10/2003	13	TRANSCRIPT as to defendant Mohamed Ahmed Issa taken on 11/12/02 of

		detention hearing (DT) (Entered: 01/13/2003)
01/10/2003	14	TRANSCRIPT as to Mohamed Ahmed Issa taken on 11/14/02 of detention hearing and preliminary exam (DT) (Entered: 01/13/2003)
01/10/2003	15	TRANSCRIPT as to Mohamed Ahmed Issa taken on 11/7/02 of initial appearance (DT) (Entered: 01/13/2003)
01/23/2003	16	TRANSCRIPT as to defendant Mohamed Ahmed Issa taken on 1/9/03 of plea (RH) (Entered: 01/24/2003)
03/19/2003	17	SUPERSEDING indictment against Mohamed Ahmed Issa (1) count(s) 1s, 2s, 3s (ew) (Entered: 03/20/2003)
03/26/2003	18	NOTICE from the chambers of Judge Cleland setting criminal status conference for 11:00 4/7/03 for Mohamed Ahmed Issa with proof of service (dh) (Entered: 03/27/2003)
04/07/2003		STATUS conference held as to defendant Mohamed Ahmed Issa - Judge Robert H. Cleland - Court Reporter: Mary Wisneski (lt) (Entered: 04/09/2003)
04/09/2003	19	ORDER by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa, adjourning sentencing , setting arraignment for 2:00 4/22/03 for Mohamed Ahmed Issa [EOD Date 4/10/03], with proof of service. (PP) (Entered: 04/10/2003)
04/22/2003		ARRAIGNMENT held, plea of not guilty entered by Mohamed Ahmed Issa (1) count(s) 1s, 2s, 3s Defendant refuses to sign acknowledgment of indictment, Defendant remanded to custody - Judge Robert H. Cleland - D/Atty: Rafael Villarreal, Jonathan Epstein - AUSA: Eric Strauss - Court Reporter: Mary Wisneski - Interpreter: Shakiba Farokhrani (Farsi) (lt) (Entered: 04/23/2003)
04/23/2003	20	ACKNOWLEDGMENT by defendant Mohamed Ahmed Issa and defense counsel Rafael C. Villarruel of indictment (not signed by defendant per advice of counsel) (lh) (Entered: 04/24/2003)
04/24/2003	21	ORDER by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa, setting deadline for filing motions for 5/27/03 , setting final pretrial conference for 2:00 6/17/03 , setting plea cut-off for 2:00 6/17/03 for Mohamed Ahmed Issa , setting criminal jury trial for 9:00 7/1/03 for Mohamed Ahmed Issa [EOD Date 4/25/03] with proof of service (lh) (Entered: 04/25/2003)
05/14/2003	22	LETTER by defendant Mohamed Ahmed Issa (Bourkhanidin) regarding his attorney (dh) (Entered: 05/15/2003)
05/19/2003	23	MOTION to withdraw by Rafael C. Villarruel as attorney for Mohamed Ahmed Issa with brief, attachments, proof of service (dh) (Entered: 05/20/2003)

05/22/2003	24	NOTICE from the chambers of Judge Cleland setting hearing on motion to withdraw by Rafael C. Villarruel as attorney for Mohamed Ahmed Issa [23-1] for 3:00 6/2/03 with proof of service (dh) (Entered: 05/27/2003)
06/02/2003		MOTION hearing held on motion to withdraw by Rafael C. Villarruel as attorney for Mohamed Ahmed Issa [23-1] - disposition: GRANTED - Judge Robert H. Cleland - Court Reporter: Mary Wisneski - Interpreter: Mehrdad Kamali, University Interpreters (lt) (Entered: 06/02/2003)
06/02/2003	25	APPEARANCE for defendant Mohamed Ahmed Issa of attorney Richard D. Korn (lh) (Entered: 06/03/2003)
06/04/2003	26	APPOINTMENT for defendant Mohamed Ahmed Issa of Richard Korn attorney in place of attorney Rafael C. Villarruel for Mohamed Ahmed Issa, attorney Federal Defender Voucher # 0987 (lh) (Entered: 06/05/2003)
06/04/2003	27	NOTICE by court setting criminal status conference for 2:00 6/17/03 for Mohamed Ahmed Issa with proof of service (lh) (Entered: 06/05/2003)
06/05/2003	28	ORDER by Judge Robert H. Cleland granting motion to withdraw by Rafael C. Villarruel as attorney for Mohamed Ahmed Issa [23-1], substitution for defendant Mohamed Ahmed Issa of attorney Richard Korn in place of Rafael Villarruel and determining excludable delay [EOD Date 6/6/03] (RH) Modified on 06/17/2003 (Entered: 06/06/2003)
06/17/2003		STATUS conference held as to defendant Mohamed Ahmed Issa - Judge Robert H. Cleland (lt) (Entered: 06/18/2003)
06/23/2003	29	ORDER by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa, setting deadline for filing motions for 7/29/03 , setting plea for 2:00 8/12/03 for Mohamed Ahmed Issa , setting criminal jury trial for 9:00 8/25/03 for Mohamed Ahmed Issa [EOD Date 6/24/03], with proof of service. (PP) (Entered: 06/24/2003)
07/08/2003	30	ORDER by Judge Robert H. Cleland with stipulation determining excludable delay and, extending time to file motions , setting deadline for filing motions for 8/25/03 (ew) (Entered: 07/09/2003)
07/22/2003	31	NOTICE from the chambers of Judge Cleland as to defendant Mohamed Ahmed Issa setting pretrial conference for 2:00 9/9/03 , setting plea for 2:00 9/9/03 , setting criminal jury trial for 9:00 9/22/03 with proof of service (dh) (Entered: 07/24/2003)
07/31/2003	32	ORDER by Judge Robert H. Cleland with stipulation determining excludable delay as to Mohamed Ahmed Issa and, setting deadline for filing motions for 9/29/03 and adjourning trial date (LS) (Entered: 08/01/2003)
07/31/2003	33	NOTICE as to Mohamed Ahmed Issa of setting criminal jury trial for 9:00 10/14/03 for Mohamed Ahmed Issa with proof of service (LS) (Entered: 08/01/2003)

09/29/2003	34	MOTION by defendant Mohamed Ahmed Issa to take depositions of Foreign Nationals , or in the alternative, to transport witnesses to the United States to testify at trial and, if necessary, sentencing with brief and proof of service (lh) (Entered: 09/30/2003)
09/30/2003	35	ORDER by Judge Robert H. Cleland with stipulation determining excludable delay as to defendant Mohamed Ahmed Issa and, setting deadline for filing motions for 11/3/03 (lh) (Entered: 10/02/2003)
10/02/2003	36	AMENDED scheduling order by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa, setting deadline for filing motions for 11/3/03 and final pretrial/plea cut-off for 2:00 11/25/03 and setting criminal jury trial for 9:00 12/8/03 for Mohamed Ahmed Issa with proof of service [EOD Date 10/3/03] (lh) Modified on 10/28/2003 (Entered: 10/03/2003)
10/08/2003	37	SUPERSEDING indictment against Mohamed Ahmed Issa (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss (ew) (Entered: 10/09/2003)
11/03/2003	38	MOTION by defendant Mohamed Ahmed Issa to withdraw plea with brief (dh) (Entered: 11/07/2003)
11/03/2003	39	MOTION by defendant Mohamed Ahmed Issa to be transferred back to Milan detention facility with brief (dh) (Entered: 11/07/2003)
11/03/2003	40	MOTION by defendant Mohamed Ahmed Issa for witness list with brief (dh) (Entered: 11/07/2003)
11/03/2003	41	MOTION by defendant Mohamed Ahmed Issa to suppress defendant's statement and request for evidentiary hearing with brief (dh) (Entered: 11/07/2003)
11/03/2003	42	MOTION by defendant Mohamed Ahmed Issa for hearing as to substitution of appointed counsel with brief (dh) (Entered: 11/07/2003)
11/03/2003	43	MOTION by defendant Mohamed Ahmed Issa for government agents and law enforcement officers to retain rough notes with brief (dh) (Entered: 11/07/2003)
11/03/2003	44	MOTION by defendant Mohamed Ahmed Issa for specific discovery and for permission to file additional motions based on the discovery provided with brief (dh) (Entered: 11/07/2003)
11/03/2003	45	REQUEST by defendant Mohamed Ahmed Issa for disclosure of other crimes evidence under 404(b) (dh) (Entered: 11/07/2003)
11/03/2003	46	REQUEST by defendant Mohamed Ahmed Issa and notices in compliance with standing order for discovery and inspection (dh) (Entered: 11/07/2003)
11/03/2003	47	REQUEST by defendant Mohamed Ahmed Issa for disclosure of Brady materials (dh) (Entered: 11/07/2003)
11/03/2003	48	REQUEST by defendant for disclosure under rule 16(a)(1)(G) of the FRCP

		(dh) (Entered: 11/07/2003)
11/03/2003	49	PROOF of service by defendant Mohamed Ahmed Issa of [48-1], [47-1], [46-1], [45-1], [44-1], [43-1], [42-1], [41-1], [40-1], [39-1], [38-1] (dh) (Entered: 11/07/2003)
11/07/2003	50	NOTICE from the chambers of Judge Cleland setting hearing on motion for hearing as to substitution of appointed counsel by Mohamed Ahmed Issa [42-1] for 2:00 11/25/03 with proof of service (dh) (Entered: 11/10/2003)
11/18/2003	51	NOTICE by plaintiff USA as to defendant Mohamed Ahmed Issa of concurrence and non-concurrence in motions and requests of defendant with proof of service (dh) (Entered: 11/19/2003)
11/20/2003	52	ORDER by Judge Robert H. Cleland as to defendant Mohamed Ahmed Issa denying motion for specific discovery and for permission to file additional motions based on the discovery provided by Mohamed Ahmed Issa [44-1], denying motion for government agents and law enforcement officers to retain rough notes by Mohamed Ahmed Issa [43-1], denying motion for hearing as to substitution of appointed counsel by Mohamed Ahmed Issa [42-1], denying motion to be transferred back to Milan detention facility by Mohamed Ahmed Issa [39-1] with proof of service [EOD Date 11/21/03] (dh) (Entered: 11/21/2003)
11/25/2003		ARRAIGNMENT held, plea of not guilty entered by Mohamed Ahmed Issa (1) count(s) 1ss, 2ss, 3ss, 4ss, 5ss, 6ss, 7ss, 8ss - Judge Robert H. Cleland - D/Atty: Richard Korn - AUSA: Eric Strauss - Court Reporter: Mary Wisneski - Interpreter: Mehrdad Kamali (lt) Modified on 11/25/2003 (Entered: 11/25/2003)
11/25/2003		MOTION hearing held as to defendant Mohamed Ahmed Issa on motion for hearing as to substitution of appointed counsel by Mohamed Ahmed Issa [42-1] - disposition: DENIED AS MOOT - Judge Robert H. Cleland - Court Reporter: Mary Wisneski - Interpreter: Mehrdad Kamali (lt) Modified on 11/25/2003 (Entered: 11/25/2003)
11/25/2003	53	ACKNOWLEDGMENT by defendant Mohamed Ahmed Issa and defense counsel of second superseding indictment (RH) (Entered: 12/02/2003)
12/15/2003	54	MOTION by defendant Mohamed Ahmed Issa for permission to file motions related to allegations of terrorism subsequent to adjudication with brief, proof of service (dh) (Entered: 12/16/2003)
12/17/2003	55	ORDER by Judge Robert H. Cleland granting motion for permission to file motions related to allegations of terrorism subsequent to adjudication by Mohamed Ahmed Issa [54-1] with proof of service [EOD Date 12/18/03] (dh) (Entered: 12/18/2003)
12/18/2003	56	ORDER by Judge Robert H. Cleland with stipulation determining excludable delay as to defendant Mohamed Ahmed Issa and, setting deadline for

		response to motion to suppress defendant's statement and request for evidentiary hearing by Mohamed Ahmed Issa [41-1] for 1/15/04, motion for witness list by Mohamed Ahmed Issa [40-1] for 1/15/04, motion to withdraw plea by Mohamed Ahmed Issa [38-1] for 1/15/04, motion to take depositions of Foreign Nationals by Mohamed Ahmed Issa [34-1] for 1/15/04, motion to transport witnesses to the United States to testify at trial and, if necessary, sentencing by Mohamed Ahmed Issa [34-2] for 1/15/04 (dh) (Entered: 12/19/2003)
01/23/2004	57	NOTICE TO APPEAR as to Mohamed Ahmed Issa, Plea Hearing set for 2/4/2004 02:00 PM before Honorable Robert H Cleland. (PPaul,) (Entered: 02/05/2004)
02/04/2004		Minute Entry for proceedings held before Honorable Robert H Cleland : Final Pretrial/Plea Hearing reset for 3/4/2004 02:30 PM before Honorable Robert H Cleland. (LTee,) (Entered: 02/04/2004)
03/04/2004		Minute Entry for proceedings held before Honorable Robert H Cleland : Plea Hearing as to Mohamed Ahmed Issa held on 3/4/2004, Plea entered by Mohamed Ahmed Issa (1) Guilty Count 4ss,5ss,7ss,8ss Sentencing set for 4/8/2004 11:00 AM before Honorable Robert H Cleland.(Court Reporter: Mary Wisneski) Interpreter: Mehrdad Kamali(Defendant Attorney: Richard Korn) (AUSA: Eric Straus) (LTee,) (Entered: 03/10/2004)
03/09/2004	58	PLEA AGREEMENT as to Mohamed Ahmed Issa (MOre,) (Entered: 03/10/2004)
04/08/2004		Minute Entry for proceedings held before Honorable Robert H Cleland : Sentencing held as to Mohamed Ahmed Issa. (Court Reporter: Mary Wisneski) (Defendant Attorney: Richard Korn) (AUSA: Eric Straus) (LTee,) (Entered: 04/09/2004)
04/08/2004	60	JUDGMENT as to Mohamed Ahmed Issa. Signed by Judge Robert H Cleland. (CGre,) (Entered: 04/19/2004)
04/13/2004	59	ORDER Dismissing Counts on Government Motion as to Mohamed Ahmed Issa. Signed by Judge Robert H Cleland. (NHoll,) (Entered: 04/15/2004)