

**SEALED**

**FILED**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

2011 MAY 25 PM 3:14

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**ABDULLAHI OMAR FIDSE, (1),  
a/k/a ABDIRAHMAN LNU,**

**AND,**

**DEKA ABDALLA SHEIKH, (2),  
a/k/a DEKA DENASHE,  
a/k/a DEKA ABDALLA SHEIKH  
IBRAHIM,  
a/k/a HAJJI ABDEL SHEIKH  
IBRAHIM,**

**Defendants.**

§ **CRIMINAL NO.**  
§ **SATTCR0425**  
§ **INDICTMENT**  
§ **FB**

§ [Violations: 18 U.S.C. §§ 371 & 1505,  
§ Conspiracy to Obstruct Proceeding  
§ Before Department or Agency - Count 1;  
§ 18 U.S.C. §§ 371 & 1001,  
§ Conspiracy to Make False Statements  
§ to Executive Branch in Terrorism  
§ Investigation - Count 2.]

THE GRAND JURY CHARGES:

**COUNT ONE**  
**[18 U.S.C. §§ 371 & 1505]**

**THE CONSPIRACY AND ITS OBJECTS**

From on or about June 24, 2008, to on or about July 1, 2009, in the Western District of Texas and elsewhere, the Defendants,

**ABDULLAHI OMAR FIDSE,  
a/k/a ABDIRAHMAN LNU,  
and,  
DEKA ABDALLA SHEIKH,  
a/k/a DEKA DENASHE,  
a/k/a DEKA ABDALLA SHEIKH IBRAHIM,  
a/k/a HAJJI ABDEL SHEIKH IBRAHIM,**

knowingly and willfully conspired and agreed together and with each other, and with other persons both known and unknown to the grand jury, to corruptly obstruct and impede, or endeavor to obstruct and impede the due and proper administration of the law under which a pending proceeding, that is the Asylum and Removal proceeding of **Defendant ABDULLAHI OMAR FIDSE**, being had before the United States Department of Justice, Executive Office for Immigration Review, United States Immigration Court, by trying to defeat the United States Immigration Court from collecting relevant information regarding **Defendant ABDULLAHI OMAR FIDSE**'s true identity and marital status, the manner, circumstances, and timing of leaving Somalia, his actual residency prior to coming to the United States, and his prior associations in order to avoid the removal of **Defendant ABDULLAHI OMAR FIDSE** from the United States.

#### **MANNER AND MEANS OF THE CONSPIRACY**

It was a part of the conspiracy that the defendants interfered with and obstructed the lawful governmental functions of the Department of Justice, Executive Office for Immigration Review, United States Immigration Court, by attempting to prevent the United States Immigration Court from collecting relevant information regarding **Defendant ABDULLAHI OMAR FIDSE**'s true identity and marital status, the manner, circumstances, and timing of leaving Somalia, his actual residency prior to coming to the United States, and additionally, that **Defendant ABDULLAHI OMAR FIDSE** would coach **Defendant DEKA ABDALLA SHEIKH** as to what her answers should be while testifying at the United States Immigration Court and providing particular hand signals and gestures to **Defendant DEKA ABDALLA SHEIKH** in order to assist **Defendant DEKA ABDALLA SHEIKH** to attempt to prevent the

United States Immigration Court from collecting relevant information and ordering the removal from the United States of **Defendant ABDULLAHI OMAR FIDSE**.

### OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Texas and elsewhere:

1. On or about June 24, 2008, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** made a statement to a United States Immigration and Naturalization, Customs and Border Patrol Officer, in that **Defendant ABDULLAHI OMAR FIDSE** claimed he was residing in Mogadishu, Somalia, in January 2008, and present when his father was allegedly killed by members of "al-Queda," when in fact that statement was not true and **Defendant ABDULLAHI OMAR FIDSE** was living in Nairobi, Kenya.
2. On or about June 24, 2008, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** made a false and fraudulent statement to a United States Immigration and Naturalization, Customs and Border Patrol Officer, that **Defendant ABDULLAHI OMAR FIDSE**, first met **Defendant DEKA ABDALLA SHEIKH** in Ethiopia on June 6, 2008, when in fact they had known each other since childhood, had lived together for three years, and were married.
3. On or about August 16, 2008, **Defendant ABDULLAHI OMAR FIDSE** made a false and fraudulent statement on his Department of Homeland Security, Form I-589, Application for Asylum and for Withholding of Removal, by claiming that he was residing in Mogadishu, Somalia, in January 2008, and present when his father was allegedly killed by members of the "Islamic Courts" when in fact that statement was not true and additionally **Defendant**

**ABDULLAHI OMAR FIDSE** resided in Nairobi, Kenya, at that time.

4. On or about August 16, 2008, **Defendant ABDULLAHI OMAR FIDSE**, made a false and fraudulent statement on his Department of Homeland Security, Form I-589, Application for Asylum and for Withholding of Removal, by claiming that he lived in Mogadishu, Somalia, from February 1989, to January 2008, when in fact he resided in Nairobi, Kenya.

5. On or about December 18, 2008, in the Western District of Texas, during the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** before the United States Immigration Court, **Defendant ABDULLAHI OMAR FIDSE** made a false and fraudulent statement when he claimed that neither he nor **Defendant DEKA ABDALLA SHEIK** told the United States Immigration and Naturalization, Customs and Border Patrol Officer on June 24, 2008, that **Defendant ABDULLAHI OMAR FIDSE**'s father was killed by members of "Al-Qaeda," but by members of the "Islamic Courts."

6. On or about December 18, 2008, during the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** before the United States Immigration Court, **Defendant ABDULLAHI OMAR FIDSE** made a false and fraudulent statement that he had been working in his father's market for two years and going to school in Mogadishu, Somalia, until January 2008, when in fact he had been residing in Kenya during that time period.

7. On or about December 18, 2008, during the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** before the United States Immigration Court, **Defendant DEKA ABDALLA SHEIK** made a false and fraudulent statement in that she claimed that she met **Defendant ABDULLAHI OMAR FIDSE** for the first time in Ethiopia immediately before traveling to the United States, when in fact they had known each other since childhood, had lived

together for three years, and were married.

8. On or about December 18, 2008, during the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** before the United States Immigration Court, **Defendant DEKA ABDALLA SHEIK** made a false and fraudulent statement in that she claimed that **Defendant ABDULLAHI OMAR FIDSE** did state during his interview of June 24, 2008, with the United States Immigration and Naturalization, Customs and Border Patrol Officer, for which **Defendant DEKA ABDALLA SHEIK** served as interpreter, that **Defendant FIDSE's** father was killed by the Islamic Courts rather than al-Quaida, when in fact she believed that **Defendant FIDSE** did say "al-Shabbab" or "al-Quaida."

9. On or about January 23, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor and rehearse the anticipated testimony of **Defendant DEKA ABDALLA SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set before the United States Immigration Court, in regard to who the **Defendants** said killed **Defendant FIDSE's** father during the interview with the United States Immigration and Naturalization, Customs and Border Patrol Officer on June 24, 2008.

10. On or about February 12, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor and rehearse the anticipated testimony of **Defendant DEKA ABDALLA SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set before the United States Immigration Court, in regard to when the **Defendants** first met, when in fact they had known each other since childhood, had

lived together for three years, and were married.

11. On or about February 15, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor, rehearse, and discuss hand signals for the anticipated testimony of **Defendant DEKA ABDALLA SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set for before the United States Immigration Court, including **Defendant DEKA ABDALLA SHEIKH** stating that she believed that **Defendant ABDULLAHI OMAR FIDSE** did tell the United States Immigration and Naturalization, Customs and Border Patrol Officer, on June 24, 2008, that it was “al-Shabbab” or “al-Quaida” that killed his father contrary to both defendants’ testimony on December 18, 2009, set before the United States Immigration Court and contrary to what the **Defendants** were rehearsing for the anticipated testimony before the immigration court.

12. On or about February 16, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor and rehearse the anticipated testimony of **Defendant DEKA ABDALLA SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set before the United States Immigration Court, in regard to who the **Defendants** said killed **Defendant FIDSE’s** father during the interview with the United States Immigration and Naturalization, Customs and Border Patrol Officer on June 24, 2008.

13. On or about February 17, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor, rehearse, and discuss hand signals for the anticipated testimony of **Defendant DEKA ABDALLA**

**SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set before the United States Immigration Court, in regard to who the **Defendants** said killed **Defendant FIDSE's** father during the interview with the United States Immigration and Naturalization, Customs and Border Patrol Officer on June 24, 2008.

14. On or about February 17, 2009, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone in an attempt to tailor, rehearse, and discuss hand signals for the anticipated testimony of **Defendant DEKA ABDALLA SHEIKH** to provide false and fraudulent statements during the continuation of the removal hearing for **Defendant ABDULLAHI OMAR FIDSE** set before the United States Immigration Court, in regard to who the **Defendants** said killed **Defendant FIDSE's** father during the interview with the United States Immigration and Naturalization, Customs and Border Patrol Officer on June 24, 2008.

All contrary to Title 18, United States Code, Section 1505 and in violation of Title 18, United States Code, Section 371.

**COUNT TWO**  
**[18 U.S.C. §§ 371 & 1001]**

**THE CONSPIRACY AND ITS OBJECTS**

From on or about June 24, 2008, to on or about the date of this Indictment, in the Western District of Texas, the Defendants,

**ABDULLAHI OMAR FIDSE,**  
**a/k/a ABDIRAHMAN LNU,**  
**and,**  
**DEKA ABDALLA SHEIKH,**

**a/k/a DEKA DENASHE,  
a/k/a DEKA ABDALLA SHEIKH IBRAHIM,  
a/k/a HAJJI ABDEL SHEIKH IBRAHIM,**

knowingly and willfully conspired and agreed together and with each other, and with other persons both known and unknown to the grand jury, to knowingly and willfully make materially false, fictitious, and fraudulent statements to agents of the United States Department of Justice, Federal Bureau of Investigation, Joint Terrorism Task Force, regarding the investigation of international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE.**

#### **MANNER AND MEANS OF THE CONSPIRACY**

It was a part of the conspiracy that the defendants would by deceit, craft, trickery and dishonest means, defraud the United States by interfering with and obstructing the lawful governmental functions of the Department of Justice, Federal Bureau of Investigation, Joint Terrorism Task Force, in that the defendants discussed and agreed to make false and fraudulent material statements regarding the investigation of international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE.**

#### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Texas and elsewhere:

Overt Acts 1 through 14 of Count 1 are hereby realleged and incorporated by reference as if fully set forth.

15. On or about December 8, 2009, **Defendant ABDULLAHI OMAR FIDSE** made a materially false and fraudulent statement to federal agents investigating potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE** in that he claimed that



he did not make supportive statements of Usama Bin Laden to another individual.

16. On or about December 8, 2009, **Defendant ABDULLAHI OMAR FIDSE** made a materially false and fraudulent statement to federal agents investigating potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE** in that he claimed that it was not his voice in a June 3, 2009, recording and that the FBI manipulated the tape to make it sound like his voice where **Defendant FIDSE** told an undercover source that he bought an armed technical, that is a battle vehicle with weapons, for \$100,000 that was destroyed in a battle and all aboard were killed.

17. On or about December 8, 2009, **Defendant ABDULLAHI OMAR FIDSE** made a materially false and fraudulent statement to federal agents investigating potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE** in that he claimed that he fled Mogadishu after his father was killed by the Islamic Courts.

18. On or about December 8, 2009, **Defendant ABDULLAHI OMAR FIDSE** made a materially false and fraudulent statement to federal agents investigating potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE** in that he claimed that he met **DEKA ABDALLA SHEIKH** for first time in Addis Ababa, Ethiopia.

19. On or about February 6, 2010, **Defendant ABDULLAHI OMAR FIDSE** and **Defendant DEKA ABDALLA SHEIKH** spoke by telephone to discuss **Defendant DEKA ABDALLA SHEIKH** providing materially false and fraudulent statements regarding where they met in anticipation of an interview of her by federal agents about the potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE**.

20. On or about February 16, 2010, **Defendant ABDULLAHI OMAR FIDSE** and

**Defendant DEKA ABDALLA SHEIKH** spoke by telephone to discuss **Defendant DEKA ABDALLA SHEIKH** providing materially false and fraudulent statements regarding where they met and **Defendant ABDULLAHI OMAR FIDSE**'s ties to Kenya, and the need for **Defendant DEKA ABDALLA SHEIKH** to contact an individual to have her fingerprints and records destroyed because they would provide proof of **Defendant DEKA ABDALLA SHEIKH** not being in Ethiopia as she claimed on her United States immigration paperwork, all in anticipation of an interview of her by federal agents about the potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE**.

21. On or about February 22, 2010, **Defendant DEKA ABDALLA SHEIKH** provided materially false and fraudulent statements regarding where she met **Defendant ABDULLAHI OMAR FIDSE** during an interview of her by federal agents about the potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE**.

22. On or about September 29, 2010, **Defendant DEKA ABDALLA SHEIKH** provided materially false and fraudulent statements regarding where she met **Defendant ABDULLAHI OMAR FIDSE** during an interview of her by federal agents about the potential international and domestic terrorism ties of **Defendant ABDULLAHI OMAR FIDSE**.

All contrary to Title 18, United States Code, Section 1001, and in violation of Title 18,  
United States Code, Section 371.

A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY  
United States Attorney

By:

  
MARK Y. ROOMBERG  
Assistant United States Attorney