

Exhibit 4

ORourke, Cornelius B

From: Kurzdorfer, Stephen J
Sent: Monday, December 3, 2018 3:44 PM
To: ORourke, Cornelius B; Calleri, Patricia A
Cc: Searls, Jeffrey J; Hobart, Kyle A; Harvey, George P
Subject: FW: Intel

Importance: High

Neil, Trish,

Please see below regarding our meeting last week. Let us know how you plan to proceed.

Best,

Steve

From: Lemmo, Christopher A
Sent: Monday, December 03, 2018 3:16 PM
To: Harvey, George P <George.P.Harvey@ice.dhs.gov>; Kurzdorfer, Stephen J <Stephen.J.Kurzdorfer@ice.dhs.gov>
Cc: Rodriguez, Angel L <Angel.L.Rodriguez@ice.dhs.gov>; Oliver, Kenneth S <Kenneth.S.Oliver@ice.dhs.gov>; Kirchmeyer, William <William.Kirchmeyer@ice.dhs.gov>
Subject: Intel

During the course of our interviews today related to the fight in B1, we came across some interesting intelligence.

RIVAS Merino, Hector
A 058309247
El Sal

RIVAS Merino admitted that he was responsible for the anonymous letter related to Hassoun and Abuziyad talking about explosives during Muslim services.

RIVAS Merino became a practicing Muslim after going into state custody 9 yrs ago. RIVAS Merino is in B1 with Hassoun and Abuziyad. REVIS Merino stated that Hassoun and Abuziyad spend time in B1 talking about explosives and terrorism. Hassoun once got mad during a game of spades and yelled at RIVAS Merino, stating, "Do you know who I am? I am a terrorist!" Hassoun has tried to recruit RIVAS Merino and others in B1. RIVAS Merino stopped going to Muslim Services in mid-November because he was uncomfortable with Hassoun and the style of preaching he was conducting.

RIVAS Merino stated that he would be willing to go back to Muslim services and is willing to talk to other Officers/Agents about Hassoun. I believe this information should be forwarded to JTTF and Agent O'Rourke. RIVAS Merino appears willing to act as a source and may be able to develop a relationship with Hassoun.

I would suggest that REVIS Merino is spoken to as soon as possible. ICE has received a Writ from Nassau County for REVIS Merino. He will be leaving the facility on 12/19/18. This writ appears to be related to a 440 motion as REVIS Merino is fighting his criminal conviction, stating that he was not aware his plea would affect his immigration status. REVIS Merino is an LPR, who has been ordered removed and currently has a PFR pending.

Without divulging information on what the government may be seeking, we asked REVIS Merino if he would be willing to work as a source if his case were to be dismissed and he were to be released to the street. REVIS Merino stated



that under the right circumstances he would be willing to be a source for the government whether in or out of immigration custody.

Exhibit 5



U.S. Immigration and Customs Enforcement

RECORD OF PERSONAL INTERVIEW

Subject Name: RAZA, Abbas

A# 072 567 129

Reviewer #1: R. Schoenrock

Date: December 04, 2018

Reviewer #2: S. Burnside

Date: December 04, 2018

Pursuant to 8 CFR 241.4(i)(3), this personal interview is being conducted on behalf of Immigration and Customs Enforcement Headquarters Custody Management Unit. Information provided in this interview will be considered upon review of your detention status.

Q. Are you willing to participate in this interview?

A. || yes.

Q: Do you have a birth certificate, voter registration card, certificate of baptism, cedula, national identity card, military identification card, passport or travel document?

A: || NO

Q: If yes, where are those documents?

A: || NO

Q: If the documents are not in the possession of ICE, why have you not provided them?

A: || PASSPORT expired AND WAS LOST.

Q: What have you done to assist ICE in obtaining a travel document for your return to your country of citizenship?

A: || yes see ATTACHED PACKET.

Q: Do you have any family in the United States? If yes, please provide their names, relationship to you and their contact information.

A: || NO

A/R





U.S. Immigration and Customs Enforcement

Q: Do you have any family in your country of citizenship? If yes, please provide contact information.

A: yes. on letter to counsel general.

Q: In your opinion, do you have any ties to your local community? Please explain.

A: yes, Rabbi Moshe E Bomzer Jr.
Jewish Community 518 ~~567~~⁵¹⁸ 5566 (518 727 5566)
AP 727

Q: Do you have a place to live in the United States? If so, where and with whom (provide contact information)?

A: yes The Aleph Institute
9540 Collins Avenue
Miami, FL 33154 - 7127
Chabad.org.

Q: Do you have any non-government organizations (NGOs) that are willing to assist you if you were released? If so, what organization? Do you have the organization's contact information?

A: yes AS Above.

Q: Do you have any employment prospects? If so, where and who can confirm the information?

A: yes self employed (whdt sale clothing)

Q: What is your criminal history?

A: 2005 convicted ATTEMPTED Robbery 3rd
convicted 2 DWI.

Q: Please describe any incidents where you were subject to sanctions for violating facility rules or regulations while you were incarcerated in State, local or ICE custody.



A/R



U.S. Immigration and Customs Enforcement

Q. What efforts did you make to rehabilitate yourself while you were incarcerated?

A: Completed A-SAT AAA program. Which change my thinking and ~~is~~ behavior. I am a TOTALLY change man with the GRACE of God of Moses.

Q: Have you ever failed to appear for any judicial proceedings; failed to appear as directed by a law enforcement entity; or have any history of escapes?

A: My bond was breached AS I FAIL TO APPEAR PURSUANT TO THE FORM I-340 WHICH IS A NOTICE TO DELIVER ALIEN, DEMAND. MY ATTORNEY NEVER NOTIFIED ME THAT I NEEDED TO APPEAR. IN 2004

Q: Do you have any Parole or Probation Requirements? If so, with who and for how long?

A: 5 year Probation, New York State.

Q. Do you have any information to submit to the Review Panel that you believe provides a basis for your release?

A: I HAVE BEEN ON ICE SUPERVISION SINCE AUGUST 10 2007. TILL JUNE 2, 2016 AWAITING SENTENCING. I ALWAYS REPORT WHEN ASK, FOLLOW INSTRUCTION. I PROVIDED INFORMATION TO HOMELAND SECURITY PERTAINING CASE WHICH HELP IN CONVICTING 14 SUBJECTS IN MONEY LAUNDERING CASE. SA JOE MORICZY 646 966 8464

This interview was conducted in the English language.
Interpreter information:

I have read (or had read to me) the foregoing statement, consisting of 3 pages. I state that the answers made therein by me are true and correct to the best of my knowledge and belief and that statement is a full, true, and correct record of my interview on the date indicated by the above named officer of the US Immigration and Customs Enforcement. I have initialed each page of this statement (and the corrections(s) noted on page(s) 2, 3.)

Alien Signature: allah Ryou 4 DEC 18

Reviewer #1 Signature: _____

Reviewer #2 Signature: _____

Exhibit 6

[REDACTED]

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/18/2019

Hector RIVAS Merino, date of birth (DOB) [REDACTED]/1989, was interviewed at the Buffalo Federal Detention Facility (BFDF) located at 4250 Federal Drive, Batavia, NY. Interview was conducted by Special Agent (SA) Cornelius O'Rourke [REDACTED]. After being advised of the identity of the interviewing Agents and the nature of the interview, RIVAS provided the following information:

Upon the start of the interview RIVAS was provided a copy of an anonymous letter received by BFDF personnel on November 27, 2018. The letter expressed concerns about two fellow detainees identified as HASSOUN and [REDACTED] and how they talked about making explosives. [Author's Note: HASSOUN is identified as Adham Amin HASSOUN and [REDACTED] is identified as [REDACTED].]

RIVAS stated that he does not participate in Jummah any more due to the topics discussed by HASSOUN while there.

RIVAS stated that HASSOUN talked about how to make explosives and to plan attacks.

RIVAS stated that Jummah was supposed to be comfortable and teach different things about God and religion.

RIVAS stated that he got mad because Jummah is for god and not to cause a danger to the community.

DEFENDANT'S TRIAL EXHIBIT
413

[REDACTED]

Investigation on 12/06/2018 at Batavia, New York, United States (In Person)

File # [REDACTED] Date drafted 01/18/2019

by Cornelius B. O'Rourke

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Interview of Hector RIVAS

Continuation of FD-302 of MELIHO . On 12/06/2018 . Page 2 of 3

RIVAS said he didn't feel safe around HASSOUN, that HASSOUN was not right in mind and that he tries to stay away from him.

RIVAS stated that HASSOUN got mad once while playing spades and screamed "I'm a terrorist". RIVAS stated that HASSOUN threatens people that he is a terrorist.

RIVAS stated that he speaks Arabic but that understands more than he speak.

RIVAS stated that HASSOUN speaks English when taking to him.

RIVAS stated that HASSOUN and another detainee named ABU are together a lot. [Author's Note: ABU is identified as [REDACTED]
[REDACTED]

RIVAS stated that he has talked to ABU but they are not friends.

RIVAS stated that ABU follows HASSOUN and that they are together a lot.

RIVAS says that HASSOUN talks to everybody but stays with ABU most of the time.

RIVAS stated that he overheard ABU and HASSOUN taking about how to make bombs but that he walked away as soon as he heard the conversation topic. RIVAS stated that when he walked away ABU stayed.

Rivas stated that when HASSOUN became Imam that he started taking about terrorism.

[REDACTED]

[REDACTED]

Interview of Hector RIVAS

Continuation of FD-302 of MELINO . On 12/06/2018 . Page 3 of 3

RIVAS stated that HASSOUN said that Muslims are like a gang, when one bleeds we all bleed.

RIVAS stated that if you had a sick mind that you might follow HASSOUN.

RIVAS stated that he stopped going to Jummah on November 9, 2018, and that he doesn't know what happened in Jummah after that.

RIVAS stated that HASSOUN tells detainees that he can help them get a Muslim menu for meals or to help get the menu approved faster. RIVAS stated that the halal menu is better tasting than the regular food.

RIVAS stated that HASSOUN has asked to use his PIN access number for phone calls and he stated the reason was that he didn't have any money. RIVAS didn't believe him because he always see HASSOUN watching movies and that costs money.

RIVAS stated he didn't let HASSOUN use his PIN because he didn't want to get in trouble.

RIVAS says that HASSON uses the phone with other detainees PIN numbers.

RIVAS stated that he never really sees ABU on the phone but he does see HASSOUN on the phone as well as watching movies.

Exhibit 7

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ORDER OF SUPERVISION

File No: A 099 684 438

Date: December 21, 2018

Name: ABUZIYAD, Rami

On September 25, 2018

(Date of Final Order)

, you were ordered:

- Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- That you do not travel outside New York State for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.
(Specify geographic limits, if any)
- That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- That you report in person on 01/17/2019 at 10:00 a.m. to this agency office at:
(Day/Date/Time)
26 Federal Plaza, Room 9-110 New York, NY, 10278; (212) 264-4213
(Reporting Address)
- That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: Report to NYS Parole on Dec. 24, 2018 at 9:00 a.m. Brooklyn III Office, 15 2nd Ave. Brooklyn, NY 11215
- See attached sheet containing other specified conditions (Continue on separate sheet if required)

(Signature of ICE Official)

J. Searls, OIC
(Print Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

(Signature of ICE Official Serving Order)

(Signature of Alien)

EXHIBIT
December 21, 2018
13 Date

Exhibit 8

[REDACTED]

- 1 of 1 -

FD-302 (Rev. 5-8-10)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/24/2020

This report is to document to the case file the original notes taken during the interview of [REDACTED] as well as the original information that led to the interview. [REDACTED] for original interview document.

[REDACTED]

Investigation on 11/30/2017 at Batavia, New York, United States (In Person)

File # [REDACTED] Date drafted 01/24/2020

by Cornelius B. O'Rourke

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EXHIBIT
12

[REDACTED]

Hassoun Summary for CTD:

[REDACTED] FBI Miami is providing this summary to CTD related to Hassoun's continued contact with Soufian Zakkout and radicalization behaviors while detained in the ICE facility in Batavia, NY (hereinafter "Batavia"). This document does not include every fact known to FBI Miami.

Calls with Zakkout

[REDACTED] Based on a review of prison call logs, Hassoun was in consistent contact with Zakkout (user of 305-898-9314), with the most recent known contact in June 2019. [Agent note: At the time of this writing, the FBI was in receipt of call logs through August 2019; renewed call logs remain pending.] Also of note, inmates have reported Hassoun routinely uses other inmate's "PINs" to make phone calls.

[REDACTED] Translation reports of some of Hassoun's calls were created, which included a few calls with Zakkout in 2017. [Agent note: A request for translations of all of Hassoun's calls remains pending.] In November and December 2017, Hassoun called Zakkout twice. The report indicated Hassoun received magazines from Zakkout and requested religious books, and urged Zakkout to correct the address before sending things to Hassoun (NFI). Hassoun also indicated he gave Zakkout's name and number to the Chaplain and "Rayn." Hassoun indicated he did not receive the Quran and requested a prayer rug; Zakkout indicated he sent Hassoun three books in a package. Hassoun then told Zakkout to expect a call from a guy.

Radicalization in Batavia

[REDACTED] In summary, at least four distinct complainants (all Batavia inmates) have reported Hassoun was considered the imam and was radicalizing within Batavia. At least two of the complainants have reported Hassoun was encouraging inmates to conduct attacks in their home countries upon release, as well as discussing explosives. One complainant (hereinafter PCHS) reported Hassoun aspired to conduct an attack at Port Everglades upon his release from Batavia. The following is a detailed summary of the reporting:

[REDACTED] In November of 2017, Batavia inmate "Hamed" reported extensive information to ICE regarding Hassoun. Hamed reported Hassoun supported/followed ISIS and thought it was good to kill disbelievers, including Hamed because Hamed identified as American. (FYSA, this information was passed to the FBI after the opening of the Guardian in May 2018.)

[REDACTED] In May of 2018, PCHS began reporting information regarding Hassoun. PCHS continues to report as of the date of this communication, to include but not limited to:

- [REDACTED] Hassoun allegedly has material at his sister's house in Florida to conduct an attack. Hassoun spoke on several occasions about using explosives against Port Everglades, suggesting ships carrying Liquid nitrile gas to/from TTO.
- [REDACTED] Hassoun wanted to be deported to Trinidad and Tobago (TTO) because he is connected to JAM leader Yasin Abubakr, whose son Fawad Abubakr is leading ISIS recruitment efforts in TTO

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED] Hassoun, Abdulhassan Salem, Michael Busgith (converted by Hassoun, called "Chosen One" and "Baghdad"), and Kaba Diakite were close associates. Hassoun and Salem encouraged Busgith to go to TTO after deportation to join ISIS; Hassoun, Salem, and Busgith hoped to reunite in TTO. Busgith encouraged Kaba to follow through on his commitment to the imam (i.e. Hassoun) and sacred promise to Allah to kill as many Americans as he could once deported. Suggested attacking outside embassies in Sierra Leone and Ivory Coast
 - Within 2.5 months of deportation in July 2018, Salem was arrested by the Yemeni government for serving as an ISIS-Y cell leader.
 - [REDACTED] In August 2018, Busgith [REDACTED] was deported to Guyana and Kaba [REDACTED] was deported to Ivory Coast.
 - [REDACTED] As of late June 2019, Inmate Musa Donzo planned to meet up with Hassoun's associates in Africa. Musa planned to travel to Guinea to do what the imam (i.e. Hassoun) instructed and kill Americans
 - [REDACTED] In August 2019, Hassoun instructed someone recently deported to Jordan to contact his associates, and a follower soon to be deported to Yemen was supposed to meet Hassoun's contacts there.
 - [REDACTED] In August 2019, after a cardiac medical scare, Hassoun said he only needed a few days on the street in Miami to finish his obligations. Further, Hassoun indicated his contacts around the world were awaiting his word, and that he knew his followers would carry out his instructions when he is gone. Hassoun believed the United States would pay for imprisoning him.
 - [REDACTED] IN September 2019, Hassoun indicated he had an Afghani connection in Batavia who is connected to leaders in Afghanistan, NY, and London.

[REDACTED] In Dec 2018, an inmate who attempted to remain anonymous but was ultimately identified (HR) reported inmate Rami Abuziyad was close with Hassoun and they discussed making explosives. FBI NY opened [REDACTED], which was ultimately closed based on Abuziyad's compliance with probation and an interview wherein Abuziyad denied the allegations.

[REDACTED] Reporting inmates also identified several other inmates possibly radicalized by Hassoun:

- Hassan Mohamed – deported to Sudan in October 2018
- Abdul Humita – Algerian
- "Muslim" from Haiti – Hassoun trained him to give sermons

Exhibit 9

[REDACTED]
FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/12/2020

On February 7, 2020 [REDACTED] did conduct computer checks on MOHAMMAD AWADEH AL ABED in an attempt to locate and interview him. NYPD computer checks did reveal that AL ABED was on parole.

An interview with New York State Parole Prosecutor Lachonda Lucas revealed that AL ABED had been in custody of the New York City Department of Corrections after he had been arrested in September 2019 but on 02/07/2020 a judge had issued a "revoke and restore" order and AL ABED was to be released.

On February 11, 2020 [REDACTED] was informed by New York State Parole Officer Pena that AWADEH AL ABED had been assigned to her and that he would be available to be interviewed on February 18 at the New York State Parole Office in Bronx, NY.

[REDACTED]
Investigation on 02/07/2020 at Bronx, New York, United States (Phone)
File # [REDACTED] Date drafted 02/12/2020
by OSULLIVAN JAMES EUGENE

[REDACTED]
FEDERAL BUREAU OF INVESTIGATIONDate of entry 02/24/2020

[REDACTED] MOHAMMAD AWADEH AL ABED, (DOB [REDACTED] 1966), was interviewed at The New York State Parole Office located at 14 Bruckner Boulevard, Bronx, NY on February 18, 2020. The interview was conducted by NYPD Detective James O'Sullivan (TFO) and Special Agent Tim Roberts. After being advised of the identity of the interviewing Agent and the nature of the interview, MOHAMMAD AWADEH AL ABED provided the following information:

[REDACTED] AL ABED stated that he does know HASSOUN as ABU HASOUN. HASOUN did tell those that attended Muslim services not to talk to investigators. HASOUN said that he knew the FBI and ICE were trying to get information on him and to keep him in jail.

[REDACTED] AL ABED stated that HASSOUN did not claim to have any connections in other countries nor did he offer to smuggle anyone into the United States.

[REDACTED] According to AL ABED, HASSOUN never offered to put money into his commissary.

[REDACTED] AL ABED did not know of any attempt to radicalize or recruit other detainees by HASSOUN.

[REDACTED] AL ABED never heard HASSOUN discuss the September 11th attacks or any other terrorist activities including an attack on the Port of Everglades. HASSOUN never discussed any extremist group. AL ABED states that HASSOUN was mad about the United States and on one occasion during Friday services HASSOUN did state that now was "the United States time but our time is coming."

[REDACTED] AL ABED states that HASSOUN did not hide his hate for Israel and the Jewish people. AL ABED recalled HASSOUN referencing an unknown book which said "We will return to the mosque the same way as the first time as the

[REDACTED]

Investigation on 02/18/2020 at Bronx, New York, United States (In Person)File # [REDACTED] Date drafted 02/18/2020by OSULLIVAN JAMES EUGENE, ROBERTS TIMOTHY STEPHEN

[REDACTED]

[REDACTED]

[REDACTED] Interview of Mohammad Awadeh Al

Continuation of FD-302 of Abed , On 02/18/2020 , Page 2 of 2

Prophet. We will fight with the Jews to take the land and mosque back. There will be blood up to our knees."

Exhibit 10

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/05/2020

Ahmed Mohamed Farouk ABDELRAOUF, date of birth (DOB) [REDACTED]/1960, was interviewed via telephone at the offices of Homeland Security Investigations (HSI) located at 250 Delaware Ave, Buffalo, NY 14202. U.S. Department of Justice (USDOJ) attorneys for the Office of Immigration Litigation (OIL) Anthony D. Bianco and Steven A. Platt advised ABDELRAOUF of their names and purpose of the call. Task Force Officer (TFO) Cornelius O'Rourke was present during the telephonic interview but was not introduced to nor interacted with ABDELRAOUF during the call. An electronic recording of the telephonic interview was made by TFO O'Rourke and is attached to the case file. The electronic recording and participation of TFO O'Rourke was requested by OIL Attorney Bianco and the recording was made consistent with HSI policy. The phone number used to contact ABDELRAOUF for the aforementioned interview was 347-481[REDACTED]. The following information is not a verbatim transcript but a synopsis of the information provided by ABDELRAOUF:

- ABDELRAOUF stated HASSOUN arrived at Batavia a couple of months before he left.
- ABDELRAOUF stated that he met HASSOUN and he was in a cell across from him.
- ABDELRAOUF stated that HASSOUN had a white long beard, Muslim hat and a big smile on his face.
- ABDELRAOUF stated HASSOUN said he was involved with 9/11.
- ABDELRAOUF stated that he was in jail for seventeen (17) years.
- ABDELRAOUF stated that one day they had a conversation in ABDELRAOUF's cell.
- ABDELRAOUF stated that he didn't want to know what HASSOUN meant when he said he was involved in 9/11.
- ABDELRAOUF stated that he and his bunkie (bunk mate) were there when HASSOUN came into ABDELRAOUF's cell. ABDELRAOUF stated that he believed that his bunk mate's name was Hamed and that he was intelligent and used to be a pharmacist.

Investigation on 01/28/2020 at Buffalo, New York, United States (Phone)File # [REDACTED] Date drafted 01/29/2020by Cornelius B. O'Rourke, [REDACTED]

Continuation of FD-302 of [REDACTED]

ABDELRAOUF Telephonic Interview . On 01/28/2020 . Page 2 of 4

- ABDELRAOUF stated that they talked about religion.
- ABDELRAOUF stated that he asked HASSOUN if killing women and children was good for you and he stated that HASSOUN said yes - our religion says that.
- ABDELRAOUF further stated that HASSOUN stated that he killed the children, he killed a woman and he fucked a woman and that was exactly what he said.
- ABDELRAOUF stated that he cursed HASSOUN at that time and almost beat him up but his bunkie stopped him.
- ABDELRAOUF stated that his bunkie held him and told him not to do it you'll get in trouble.
- ABDELRAOUF stated that his bunkie yelled at HASSOUN and stated that his is not what our religion says. ABDELRAOUF further stated that his bunkie stated that this is what gives a bad picture to our religion.
- ABDELRAOUF stated that those are sick people and that this is what I believe and this is what our religion says.
- ABDELRAOUF stated that his bunk mate's name was Ahmed too but he doesn't remember...but you can go back a month or two before I leave and look up to see that he was the last one [Agent Note: In context the reference was to the last cell mate before ABDELRAOUF left].
- ABDELRAOUF stated that Ahmed was Egyptian.
- ABDELRAOUF stated that it felt wrong in reference to dealing with HASSOUN.
- ABDELRAOUF stated that he had not talked to other detainees about HASSOUN or his comments regarding religion.
- ABDELRAOUF said a lot of people talked about HASSOUN and those people called him a terrorist. ABDELRAOUF further stated that they did so because HASSOUN told a lot of people that he was involved with 9/11.
- ABDELRAOUF stated that he did not interact with HASSOUN after their argument but that he did see HASSOUN interact with others from Africa. ABDELRAOUF stated that the people were from Nigeria and Congo and that HASSOUN was giving them candy, cookies and chicken.
- ABDELRAOUF stated that he didn't know what HASSOUN was saying to them [Agent Note: In context the aforementioned Africans and others hanging around HASSOUN] but that he went to an officer and told that officer to keep an eye on them. ABDELRAOUF further stated that you never know, this guy is probably brain washing them. ABDELRAOUF stated that this was just his opinion.
- ABDELRAOUF stated that it was wrong to allow HASSOUN to talk to people like that.
- ABDELRAOUF stated that he believed that HASSOUN was trying to spread his beliefs to other detainees while he talked to them.
- ABDELRAOUF stated that he attended Muslim services on two (2) or three (3) times while at Batavia. ABDELRAOUF further stated that was before HASSOUN arrived at Batavia.
- ABDELRAOUF stated that he did not believe that HASSOUN was trying to

SUBJECT TO PROTECTIVE ORDER
CONFIDENTIAL

DEF - 00010923

Continuation of FD-302 of [REDACTED]

ABDELRAOUF Telephonic Interview . On 01/28/2020 . Page 3 of 4

recruit him, he did not try at all. ABDELRAOUF further stated that he did not know if HASSOUN was trying to recruit others.

- ABDELRAOUF stated that after the fight with HASSOUN he told HASSOUN to stay away from him and that he didn't want to have anything to do with him.
- ABDELRAOUF stated that HASSOUN was a happy person with always a big smile on his face.
- ABDELRAOUF stated that he only feared HASSOUN if he is in the court house and HASSOUN knows that he was there. ABDELRAOUF stated that he believed that HASSOUN has money to hurt him and his family. ABDELRAOUF further stated that he didn't know where HASSOUN got it but that he has money.
- ABDELRAOUF stated that he didn't know the names of anybody who had talked with HASSOUN. ABDELRAOUF stated that there was a Dominican guy and a guy from Nigeria that had conversations with HASSOUN but that he couldn't remember their names because everyone in detention used numbers. [Agent Note: In context the number referenced was the number assigned to detainees while in custody].
- ABDELRAOUF stated that he plans to go to Egypt soon to help care for his sick mother. ABDELRAOUF further stated that he has plans to come back because he is required to for his green card [Agent Note: Green card refers to the requirements to stay compliant with his immigration status as a legal permanent resident].
- ABDELRAOUF stated that he did not know the contact information for his previous bunk mate Ahmed but that he did know that he used to be a pharmacist and that he had been charged for fraud. ABDELRAOUF further stated that he did not know his whereabouts because he left while Ahmed was still there.
- ABDELRAOUF stated that he did not see HASSOUN ask about using other detainee's phone or tablet time because he wasn't watching. ABDELRAOUF further stated that HASSOUN never asked to use his phone time or tablet time.
- ABDELRAOUF stated that he knew nothing about HASSOUN's family.
- ABDELRAOUF stated that he did not know of HASSOUN talking about specific terrorist talks. ABDELRAOUF further stated that HASSOUN did not talk to him about being a follower of any religious group or leader.
- ABDELRAOUF stated that he did not know of HASSOUN making any threats against any specific person or place.
- ABDELRAOUF stated that the Dominican that HASSOUN hung out with was a kid maybe twenty (20) to twenty-two (22) years old and that he had been there for a while. ABDELRAOUF further stated that the kid was not Muslim and that he was in a fight with an officer in which he punched him and was taken to the box in 2017. [Agent Note: The box refers to segregated or disciplinary confinement]
- ABDELRAOUF stated that the other guy, the Nigerian, the African guy, was Muslim. ABDELRAOUF further stated that he was very very black and that

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CONFIDENTIAL

DEF - 00010924

Continuation of FD-302 of [REDACTED] ABDELRAOUF Telephonic Interview . On 01/28/2020 . Page 4 of 4

he was there for about four (4) years and his name was SiSi (phonetically "see-see").

- ABDELRAOUF stated that both the Dominican and the Nigerian were in the same unit as HASSOUN.
- ABDELRAOUF stated that he doesn't remember any others that HASSOUN hung out with right now.
- ABDELRAOUF stated that he didn't see HASSOUN have disagreements with others. ABDELRAOUF stated that HASSOUN always had a smile on his face. ABDELRAOUF stated that he did not know of any issues between HASSOUN and other Muslims.
- ABDELRAOUF stated that his address in the United States is: [REDACTED], Staten Island, NY 10314.
- ABDELRAOUF stated that he can be reached by phone at 347-215-[REDACTED] and that number is his son's, Fady, phone number.
- ABDELRAOUF stated that his other son's name is Shady.

The above documented telephonic interview was conducted on January 28, 2020, from approximately 1730 hours to 1806 hours Eastern Standard Time (EST).

SUBJECT TO PROTECTIVE ORDER
CONFIDENTIAL

DEF - 00010925

Exhibit 11

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Buffalo Federal Detention Facility
Batavia, New York

LAW ENFORCEMENT SENSITIVE
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INTELLIGENCE REPORT

DETAINEE NAME HARSZ, MUHAMED	ID NUMBER [REDACTED]	<input checked="" type="checkbox"/> ICE <input type="checkbox"/> USMS	HOUSING UNIT C-1	DATE OF INTEL 3/24/18
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STATEMENTS FOR VIOLENCE FROM AN ISLAMIC LEADER.

THIS OFFICER WAS ADVISED BY DETAINEE HARSZ, MUHAMED
APR 09 416 961 THAT THE "IMAM" (PERSON LEADING MUSLIM SERVICE)
ON SEVERAL OCCASIONS MAKES STATEMENTS THAT MAY
RADICALIZE OR MAKE VIOLENT ACTIONS TOWARD NON MUSLIMS

DET. STATES HE HAS BEEN GOING TO MUSLIM SERVICE
EVERY FRIDAY AND THAT THE "IMAM" ACTIVELY ATTEMPTS TO
RADICALIZE YOUNG MUSLIMS. DET STATES THAT MANY OF
THE YOUNG MUSLIM AGREE WITH THE IMAM AND WILL
FOLLOW HIS LEAD.

REPORTING EMPLOYEE KICKLEY, E	ECHO NUMBER 311	CONTINUED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
----------------------------------	--------------------	--

DEFENDANT'S
TRIAL EXHIBIT
411

CHECKS NCIC CIS DACS NAILS ORION/LEADS OTHER

INTELLIGENCE OFFICER _____ DATE _____

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Buffalo Federal Detention Facility
Batavia, New York

LAW ENFORCEMENT SENSITIVE
Limited Official Use Only

INTELLIGENCE REPORT CONTINUATION PAGE

THE REPORTING DET STATES THAT HE IS FROM SOMALIA WHERE THE MAJORITY OF THE COUNTRY IS MUSLIM AND THAT NEW MUSLIMS STARTED TO TEACH "JIHAD" TO YOUTH GROUPS AND FEELS THAT THIS PARTICULAR MUSLIM LEADER IS AND HAS BEEN PREACHING FOR VIOLENCE FOR NON-BELIEVERS.

DET STATES THE EMAM PREACHES TO BE A TRUE MUSLIM THEY MUST PRACTICE, ENJOY AND CONDUCT "JIHAD" FOR THEIR ^{OWN} FAITH.

DET STATES THE EMAM CONVEYS HIS ENTHUSIASM FOR THOSE WHO HAVE DIED FOR THE ALA.
REFERRING TO ISIS/TERRORIST GROUPS

Exhibit 12

Exhibit H



DECLARATION OF MUHAMED HIRSI

I, Muhamed Hirsi, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge.

1. I was detained at the Buffalo Federal Detention Facility from approximately September 15, 2016 to approximately August 19, 2019.
2. During my detention, I knew Adham Hassoun as the Imam at the Buffalo Federal Detention Facility's Muslim religious services. I would frequently attend these services so Mr. Hassoun and I knew each other from the religious services.
3. I am concerned about what Mr. Hassoun is capable of doing to those who speak out against him. Whenever Mr. Hassoun preaches about religion he talks about his hatred for the United States. Mr. Hassoun always talks about the divide between "us," meaning Muslims, and "them," meaning non-Muslims. Mr. Hassoun's preaching demonstrates to me how he is hateful of the United States and people who oppose him.
4. Sometime in 2018, at a prayer service, Mr. Hassoun was speaking to the detainees about Muslims who attended Muslim services and would complain to the government about him. He was angry and called those Muslims hypocrites. Mr. Hassoun's comments occurred after he returned from solitary confinement because he claimed other Muslims were speaking to the government and complaining about him.
5. I left Somalia because of people like Mr. Hassoun who are willing to perpetuate violence in the name of Islam. I would fear for my physical safety if I were to testify in person in the physical presence of Mr. Hassoun. I do not know who Mr. Hassoun knows outside of the Batavia detention facility; therefore, I have no way of knowing what his

associates are potentially capable of doing to me. Many detainees in Batavia consider Mr. Hassoun to be a madman. Quite simply, Mr. Hassoun and his associates scare me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 27, 2020.



MUHAMED HIRSI

Exhibit 13

Exhibit A



[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/12/2020

Sean Orlando SMITH (DOB: [REDACTED]/1988; A#:099 226 829 ; COB: Jamaica) was interviewed at the Buffalo Federal Detention Facility (BFDF) located in Batavia, NY. Participating in the interview were Task Force Officer (TFO) Gregory Conwall and TFO Cornelius O'Rourke. After being advised of the identity of the interviewing Agents and the nature of the interview SMITH agreed to be interviewed and provide information. The following information is a synopsis of the information provided by SMITH:

- SMITH stated that he had been in detention at BFDF since January 8, 2020.
- SMITH stated that he was from New York City.
- SMITH stated that he tried to stay to himself when asked if he knew anything about rumors of attorneys or investigators asking questions recently at BFDF. SMITH further stated that something like that was floating around. [Agent Note: Floating around refers to rumors circulating.]
- SMITH stated that he did not like HASSOUN. [Agent Note: HASSOUN in this interview refers to Adham Amin HASSOUN - DOB: [REDACTED]/1962; SSN: [REDACTED]-2413; FBI: [REDACTED]]
- SMITH stated that HASSOUN was corruption. SMITH stated that what HASSOUN talked about was not Islam, different stuff but not Islam.
- SMITH stated that a lot of Muslims don't go to service because HASSOUN is running it.
- SMITH stated that he doesn't know if the dude is a terrorist and further stated that he didn't want to be involved. [Agent Note: In context, dude is a reference to HASSOUN.]
- SMITH stated that he was waiting to be deported back to Jamaica.
- SMITH stated that it is uncomfortable in prayer service.
- SMITH stated that HASSOUN talks about white people.
- SMITH stated that in classes that HASSOUN does not talk about Islam but about hate for the U.S. [Agent Note: Classes refers to Islamic study class.]
- SMITH stated that HASSOUN is trying to infect people's heads.

[REDACTED]

Investigation on 02/05/2020 at Batavia, New York, United States (In Person)

File # [REDACTED] Date drafted 02/05/2020

by Cornelius B. O'Rourke, Gregory J. Conwall

[REDACTED]

[REDACTED]

[REDACTED] Interview of SMITH at the
Continuation of FD-302 of Buffalo Federal Detention Facility, On 02/05/2020, Page 2 of 5

- SMITH stated that HASSOUN claims to know powerful people all over the world, that he is well connected and that he has powerful friends.
- SMITH stated that HASSOUN says he is choosing to be here in BFDF.
- SMITH stated that HASSOUN tells people not to talk to investigators.
- SMITH stated that HASSOUN told him at classes not to talk to you. [Agent Note: SMITH was referencing the interviewing agents as well as government agents, guards or personnel in general.] SMITH further stated that when HASSOUN told him not to talk to investigators he didn't specifically refer to when questions were asked about HASSOUN. SMITH further stated that HASSOUN said that investigators will lie to you and not help you when they said they would.
- SMITH stated that some detainees will not talk to investigators because HASSOUN is taking care of them and that the detainees believe that HASSOUN can help them outside of detention as well as with immigration matters.
- SMITH stated that everybody at the Islamic services is under HASSOUN's wing.
- SMITH stated that he feels HASSOUN is trying to recruit and that he gives the impression that he is up to something else at prayer service. SMITH further stated that he doesn't talk Islam.
- SMITH stated that he complained to the Lieutenant. [Agent Note: Lieutenant refers to a supervisor of the contract guard service at BFDF.]
- SMITH stated that HASSOUN's followers told everybody that if anybody complained that they would be moved to a worse facility. SMITH further stated that was why nobody made grievances, everybody is worried that if they do they will be moved.
- SMITH stated that brothers want to come forward but are worried. [Agent Note: Brothers refers to black members of Islamic prayer service and classes.]
- SMITH stated that the brothers do not like what's going on. SMITH further stated that HASSOUN tells them that he has chosen to be here and that he was involved in 9/11. [Agent Note: "Here" refers to BFDF and 9/11 refers to the terrorist attacks on the U.S. on September 11, 2001.]
- SMITH stated "Honestly, no bullshit, he's recruiting."
- SMITH stated that a detainee named Jones would talk about HASSOUN. SMITH stated that Jones is from Jamaica, was moved to B1 a couple of days ago and that he used to be in cell 106 in A1. [Agent Note: A1 and B1 refer to specific cell locations at BFDF.]
- SMITH stated that he and Jones used to talk about it. [Agent Note: In context, "it" refers to HASSOUN and his activities in prayer service.]
- SMITH stated that HASSOUN talks to a small group in Arabic and the guys are up to something funny.
- SMITH stated that during prayer service that the group by themselves or

[REDACTED]

[REDACTED] Interview of SMITH at the
Continuation of FD-302 of Buffalo Federal Detention Facility, On 02/05/2020, Page 3 of 5

in the corner are HASSOUN's guys. SMITH stated that the men are Middle Eastern guys.

- SMITH stated he doesn't go to prayer service anymore. SMITH further stated that the dude gives a bad impression and has said don't let them fool you brothers you can be taken care of. [Agent Note: In context, "dude" refers to HASSOUN and "them" refers to U.S. government personnel and law enforcement.]
- SMITH stated that the Middle Eastern guys in HASSOUN's group tell people to don't say nothing to lawyers or law enforcement.
- SMITH stated that he talked to HASSOUN and didn't like where it was going. SMITH stated that HASSOUN told him that he had people in the Dominican, Cuba and China and that he could get him back here to the U.S. SMITH stated that HASSOUN made reference to a cruise but didn't give details because SMITH killed the conversation because he didn't like where it was going.
- SMITH stated that HASSOUN preys on weak minded people.
- SMITH stated that HASSOUN is not doing proper service during prayer. SMITH further stated that what HASSOUN is doing is not Islam, I tell you that.
- SMITH stated that the dude is recruiting and SMITH was trying to get out of here before something happens. [Agent Note: Dude refers to HASSOUN and "here" refers to BFDF.]
- SMITH stated that HASSOUN is telling others that the U.S. can't deport him and that he is going to get out.
- SMITH stated that HASSOUN said that we will feel his wrath. [Agent Note: In context, "we" refers to the U.S. as well as U.S. government personnel.]
- SMITH stated that HASOUN has said you guys couldn't deport him and that payback is a bitch. [Agent Note: In context, "you guys" refers to the U.S. as well as U.S. government personnel.]
- SMITH stated that we should talk to a detainee named Blackman who is in 236A but that we should make sure we talk to him anonymously because he is very nervous.
- SMITH stated that we should talk to a detainee named Kunda who came from Riverview and is in 130 A1.
- SMITH stated that Blackman and Kunda will talk to us because they talk about HASSOUN between themselves.
- SMITH stated that the way he's talking HASSOUN will blow us up with some dumb shit. SMITH further stated that HASSOUN was always talking and did so in a manner that was subliminal to what he really wanted.
- SMITH stated that HASSOUN has people from the outside send money to his Middle Eastern guys on the inside, a hundred here or there.
- SMITH stated that he didn't want to kill himself and didn't want to sacrifice himself. SMITH further stated that he wanted to live. [Agent

[REDACTED]

[REDACTED]

[REDACTED] Interview of SMITH at the
Continuation of FD-302 of Buffalo Federal Detention Facility, On 02/05/2020, Page 4 of 5

Note: In context, SMITH was speaking about what he believed HASSOUN wanted but did not specifically state that HASSOUN asked him to kill or sacrifice himself.]

- SMITH stated that we needed to get a different facilitator for prayer service.
- SMITH stated that everybody is terrified of being moved.
- SMITH stated that a detainee whose name he couldn't spell was called Pinella and resided in cell 233A. SMITH further stated that Pinella overheard HASSOUN being a terrorist and that he knows what's going on.
- SMITH stated that Pinella gave him a warning about HASSOUN and he was right. SMITH further stated that Pinella knows a lot and is also from Jamaica.
- SMITH stated that a dude named Lamar was deported last Monday and had been in 215. SMITH further stated that before Lamar left HASSOUN had told him that he had connections to get him back into the U.S. [Agent Note: 215 refers to a cell number.]
- SMITH stated that HASSOUN has his crew in prayer service to talk to and that during service HASSOUN only talks about Islam for ten (10) to fifteen (15) minutes and the rest of the time is stuff that is not Islam.
- SMITH stated that HASSOUN talks to everybody that is new and if you are weak you're his.
- SMITH stated that HASSOUN says that America is evil and wants to rule the world.
- SMITH further stated that we should have somebody go to prayer service and then we would know what I was talking about.
- SMITH stated that this is the first place that he has been where there is no recording device in the room during prayer service. SMITH asked why the government didn't have a recording device in the prayer service. SMITH further stated that you guys had to do that and record the whole prayer service.
- SMITH stated that if you went to prayer service you could go to the corner and talk to HASSOUN's Middle Eastern buddies.
- SMITH stated that HASSOUN has a bad vibe and that once he gets someone who is weak and believes then that's a wrap.
- SMITH stated that HASSOUN has some people shook because HASSOUN has said that if you holler about him then something can happen to you because HASSOUN has powerful people that can get you. [Agent Note: Shook refers to being scared and holler refers to speaking.]
- SMITH stated that he doesn't want HASSOUN's powerful buddies to come after him.
- SMITH stated that the first time somebody goes to prayer service HASSOUN will talk to them personally and tell them that people will try to talk to you but you have to refuse. [Agent Note: People refers to law

[REDACTED]

[REDACTED]

[REDACTED] Interview of SMITH at the
Continuation of FD-302 of Buffalo Federal Detention Facility, On 02/05/2020, Page 5 of 5

enforcement or government personnel.] SMITH further stated that HASSOUN does not specifically state that the people will be asking about him but it is implied.

- SMITH stated that we should talk to Kunda because HASSON talked to him like that during prayer service.
- SMITH stated that HASSOUN says he can't be touched.
- SMITH stated that we should talk to Jones and Pinella and ask them about prayer service.
- SMITH stated that, black people, none of us are going to kill ourselves. [Agent Note: In context, SMITH was speaking about what he believed HASSOUN wanted but did not specifically state that HASSOUN asked anybody to kill themselves.]
- SMITH further stated that HASSOUN talks indirectly and mentions greater good for the cause and 9/11 stuff.
- SMITH stated that he is being influenced by a terrorist. [Agent Note: SMITH is referring to HASSOUN.]
- SMITH stated that HASSOUN and three (3) others with him are racist against black people, white people and anybody not Middle Eastern.
- SMITH stated that HASSOUN is not being religious in prayer service. SMITH further stated that HASSOUN prays but it's mostly about giving speeches.

The above documented interview was conducted on February 5, 2020, from approximately 1040 hours to 1119 hours Eastern Standard Time (EST).

[REDACTED]

Exhibit 14



DEPARTMENT OF HOMELAND SECURITY



HOMELAND SECURITY INVESTIGATIONS

REPORT OF INVESTIGATION

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01/15/2020 11:57 EST

Page 1 of 3

CASE NUMBER

[REDACTED]

CASE OPENED

8/14/2018

CURRENT CASE TITLE

Adham HASSOUN et al.

REPORT TITLE

Case Opening and Initial Interview

SYNOPSIS

This case is being opened in response to information provided by Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO). ICE ERO provided reporting that a detainee at the Buffalo Federal Detention Facility (BFDF) was attempting to recruit other detainees to join the Islamic State of Iraq and Syria (ISIS). Once open this case will track case activity associated with the primary case as assigned by the Joint Terrorism Task Force (JTTF) Buffalo.

REPORTED BY

Cornelius ORourke

SPECIAL AGENT

APPROVED BY

Patricia Calleri

SPECIAL AGENT

DATE APPROVED

9/7/2018

**DEFENDANT'S
TRIAL EXHIBIT**

412

Current Case Title

Adham HASSOUN et al.

ROI Number

[REDACTED]

Date Approved

9/7/2018

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE



DEPARTMENT OF HOMELAND SECURITY



HOMELAND SECURITY INVESTIGATIONS

REPORT OF INVESTIGATION

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE

01/15/2020 11:57 EST

Page 2 of 3

DETAILS OF INVESTIGATION

On November 30, 2017, Homeland Security Investigations (HSI) Special Agents (SA) Cornelius O' Rourke and Joe Gillett conducted an interview with Ahmed Khamis HAMED (A#: 095945629) at the Batavia Detention Facility located in Batavia, NY. The interview was conducted to follow up on concerns that HAMED had with a fellow detainee which HAMED made known to Supervisory Detention and Deportation Officer (SDDO) George Harvey on November 21, 2017. The following is a synopsis of the information provided by HAMED during the interview conducted on November 30, 2017:

- HAMED stated that when he arrived at Batavia Detention Facility on November 6, 2017, he met with a fellow detainee named Adham HASSOUN. (HASSOUN is associated with the following identifiers; DOB: [REDACTED]/1962; SSN: [REDACTED]; FBI: [REDACTED]; A#: 074079096)
- HAMED stated that the next day he had an argument with HASSOUN that was about religion and specifically on how the Koran defines the use of violence and what would be considered the proper use of violence in God's Name.
- HAMED stated that HASSOUN talked about the terrorist attack in Spain (in reference the attack is identified as the August 17, 2017, Barcelona vehicle attacks).
- HAMED stated the HASSOUN said that you had to show nonbelievers fear as well as that it was good to kill someone not of the same ideology.
- HAMED stated that HASSOUN identified himself as a follower of al-Baghdadi. HAMED further stated that al-Baghdadi was HASSOUN's leader "not mine".
- HAMED stated that HASSOUN didn't care about any killing innocent people, that it only hurt the body not the soul.
- HAMED stated that when HASSOUN saw the mosque attack on television that he used the phone immediately thereafter. (in reference the mosque attack is identified as the attack conducted on the al Rawdah Sufi mosque in Bir al-Abed, Egypt on November 24, 2017)
- HAMED stated that when he self-identified as American HASSOUN stated that "you deserve to die with them".
- HAMED stated that he stopped talking to HASSOUN when he realized he was a "Radical" and seemed to be attempting to recruit him.
- HAMED stated that HASSOUN was giving food and sweets to other detainees to get them to talk to him.
- HAMED stated that HASSOUN said to others not to worry and to go back to your home country to make a difference.
- HAMED stated that HASSOUN conducts Wednesday and Friday prayers as an Iman.
- HAMED stated that he believes that HASSOUN is very dangerous and is worried that he might get somebody to listen to him and do something bad.

Current Case Title	ROI Number	Date Approved
Adham HASSOUN et al.	[REDACTED]	9/7/2018

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE



DEPARTMENT OF HOMELAND SECURITY



HOMELAND SECURITY INVESTIGATIONS

REPORT OF INVESTIGATION

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01/15/2020 11:57 EST

Page 3 of 3

- HAMED stated that another detainee could corroborate some of the information and conversations about and with HASSOUN.
- The other detainee was identified by HAMED as Ahmed Fady with a contact phone number of 347-215-1583. (Fady is identified as Ahmed Mohamed Farouk ABDELRAOUF; DOB: [REDACTED]/1960; A#: [REDACTED]; SSN: [REDACTED]; FBI#: [REDACTED])

Current Case Title

Adham HASSOUN et al.

ROI Number

[REDACTED]

Date Approved

9/7/2018

OFFICIAL USE ONLY | LAW ENFORCEMENT SENSITIVE

Exhibit 15

A.G. Schneiderman Announces \$7.9 Million Settlement And State Prison Sentences In Major Illegal Prescription Buy-Back And Money Laundering Scheme

News from Attorney General Eric T. Schneiderman

FOR IMMEDIATE RELEASE
March 2, 2017

New York City Press Office / 212-416-8060
Albany Press Office / 518-776-2427
nyag.pressoffice@ag.NY.gov
Twitter: @AGSchneiderman

A.G. SCHNEIDERMAN ANNOUNCES \$7.9 MILLION SETTLEMENT AND STATE PRISON SENTENCES IN MAJOR ILLEGAL PRESCRIPTION BUY-BACK AND MONEY LAUNDERING SCHEME

Defendants Paid Off Patients To Forgo HIV Medication And Submitted Millions In False Claims To Medicaid And Medicare

Schneiderman: These Defendants Exploited The Trust Between Healthcare Providers And Patients For Financial Gain

NEW YORK—Attorney General Eric T. Schneiderman announced today the sentencing of two pharmacy owners, a supervising pharmacist and ten corporations for defrauding several government-funded healthcare programs, including Medicaid and Medicare. An investigation revealed that on at least eight separate occasions between November 2013 and February 2014, the defendants paid patients hundreds of dollars in cash to forgo their prescription medications, the vast majority of which were to treat HIV. The defendants then submitted false claims to Medicare, Medicaid and Medicaid-managed care organizations and were reimbursed for distributing the medications, despite the fact that they were never dispensed to patients. Tarek Elsayed, 50, of Elmhurst Queens, the co-owner of 184th Street Pharmacy in the Bronx, was sentenced today in Bronx County Supreme Court by the Honorable Stephen Barrett to one to three years in state prison.

“These defendants abused the fundamental trust between healthcare providers and patients by putting their own greed above the health needs of their patients,” said **Attorney General Schneiderman**. “This blatant theft and abuse of our state and country’s most important healthcare programs is reprehensible and will not be tolerated.”

PET - 002023



Previously, in August of 2016, Ahmed Hamed, 39, of Elmhurst Queens, the second co-owner of 184th Street Pharmacy, was sentenced to two to six years in state prison. In October of 2016, Mohamed Hassan Ahmed, 38, of Bayside, the supervising pharmacist at 184th Street Pharmacy, was sentenced to one to three years in state prison and was required to surrender his license to practice pharmacy. Collectively, the three defendants stole over \$10 million from government-funded health care programs.

In addition, the Attorney General's Medicaid Fraud Control Unit (MFCU) reached a \$4.1 million civil settlement agreement with defendant Elsayed and a \$3.8 million civil settlement agreement with defendant Hamed. Defendant Hamed was also required to forfeit a Maserati and BMW he purchased with the proceeds from the scheme. Both vehicles have since been sold and proceeds from the sales returned to the state Medicaid program.

Between March 2013 and March 2014, Medicare, Medicaid and Medicaid-managed care organizations paid 184th St. Pharmacy over \$10 million for medications 184th St. Pharmacy claimed to have dispensed to patients. MFCU's investigation revealed however that the pharmacy ordered only \$1 million in medications from legitimate pharmaceutical wholesalers.

During the undercover operations, the defendants advised undercover investigators from MFCU to sell their prescriptions to only the defendants. The defendants also paid the undercover investigators for referrals of new patients who sold their prescriptions to the defendants for cash.

MFCU's investigation further revealed that often within days of illegally obtaining funds from government-funded healthcare programs, defendants Ahmed Hamed and Tarek Elsayed funneled their criminal proceeds through several shell companies they owned and controlled, each named to be seem similar to well-known but unrelated companies in healthcare. One such company pled guilty to Money Laundering in the First Degree, a class B Felony; the rest pled guilty to Money Laundering in the Second Degree, a class C Felony. Each corporation will be dissolved.

Tarek Elsayed pled guilty to one count of Grand Larceny in the Second Degree, a Class C Felony. Ahmed Hamed pled guilty to two counts of Grand Larceny in the First Degree, a Class B Felony, and two counts of Grand Larceny in the Second Degree. Mohamed Hassan Ahmed pled guilty to one count of Grand Larceny in the Second Degree.

Attorney General Schneiderman thanks Amida Care Inc., which provided a referral of suspected fraud that led MFCU to perform several undercover investigations; Healthfirst PHSP, Inc.; Express Scripts; and CVS Caremark for their cooperation in this investigation.

The Attorney General also thanks MFCU's partners in law enforcement, including the New York State Office of the Medicaid Inspector General; the United States Department of Health and Human Services Office of the Inspector General (HHS-OIG); and the New York City Police Department, notably Detective Mike Smyth.

The investigation was conducted by MFCU Supervising Investigator Dominick DiGennaro and MFCU Special Investigator David Ryan and HHS-OIG Special Agent Liz Rolon with the assistance of MFCU Deputy Chief Investigator

Kenneth Morgan and HHS-OIG Special Agent in Charge Scott Lampert. MFCU's audit investigation was conducted by Principal Special Auditor Investigator Cristina Marin and NYC Deputy Regional Chief Auditor Jonathan Romano with the assistance of MFCU Regional Chief Auditor Thomasina Smith. Confidential Legal Assistant Kelvin Caraballo also assisted on the case.

The criminal case was prosecuted by Special Assistant Attorney General Imran Ahmed of the MFCU New York City Regional Office with the assistance of New York City Regional Director Christopher M. Shaw. The civil case was handled by Special Assistant Attorney General Kathryn Harris and Special Assistant Attorney General Elizabeth Silverman with the assistance of MFCU's Civil Enforcement Chief Carolyn Ellis. Thomas O'Hanlon is MFCU's Chief of Criminal Investigations—Downstate. MFCU is led by Director Amy Held and Assistant Deputy Attorney General Paul J. Mahoney.

Exhibit 16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE 04-60001-CR-COOKE

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIAMI, FLORIDA
JANUARY 22, 2008
TUESDAY - 11:00 A.M.

ADHAM AMIN HASSOUN,
KIFAH WAEL JAYYOUSI,
JOSE PADILLA,
a/k/a "Ibrahim,"
a/k/a "Abu Abdullah the Puerto Rican",
a/k/a "Abu Abdullah Al Mujahir",

Defendants.

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE MARCIA G. COOKE,
UNITED STATES DISTRICT JUDGE

DAY 9

APPEARANCES:

FOR THE GOVERNMENT:

RUSSELL KILLINGER, A.U.S.A.
BRIAN K. FRAZIER, A.U.S.A.
JOHN SHIPLEY, A.U.S.A.
STEPHANIE PELL, A.U.S.A.
United States Attorney's Office
99 N.E. 4th Street
Miami, FL 33132

FOR THE DEFENDANT HASSOUN:

KENNETH SWARTZ, ESQ.
Swartz and Lenamon
100 N. Biscayne Blvd. 21st Floor
Miami, FL 33132 - 305/579-9090
ken@swartzlawyer.com

*please
send
Back
To
Hassoun
72433054
@ 604-405*

EXHIBIT

42

1 SENTENCING PROCEEDINGS - 11:15 A.M.

2 THE COURT: For the record, appearing on behalf of the
3 United States.

4 MR. KILLINGER: Good morning, Your Honor. Russ
5 Killinger, Brian Frazier, Stephanie Pell, John Shipley and John
6 Kavanaugh.

7 THE COURT: Appearing on behalf of Defendant Hassoun.

8 MR. SWARTZ: Ken Swartz and Jeanne Baker on behalf of
9 Mr. Hassoun.

10 THE COURT: Appearing on behalf of Defendant Jayyousi.

11 MR. SWOR: William Swor and Dore Louis on behalf of
12 Dr. Jayyousi.

13 THE COURT: Appearing on behalf of Defendant Jose
14 Padilla.

15 MR. CARUSO: Michael Caruso and Orlando do Campo on
16 behalf of Jose Padilla.

17 THE COURT: On behalf of Mr. Hassoun, are you prepared
18 this morning to proceed to sentencing?

19 MS. BAKER: We are.

20 THE COURT: On behalf of Mr. Jayyousi, Mr. Swor, are
21 you prepared to proceed to sentencing this morning?

22 MR. SWOR: Yes, Your Honor.

23 THE COURT: On behalf of Mr. Padilla, Mr. Caruso, are
24 you prepared to proceed with sentencing?

25 MR. CARUSO: Yes, we are, Your Honor.

1 THE COURT: Everyone, you may be seated.

2 Over the past few weeks I held a sentencing hearing in
3 this matter and the hearing was bifurcated. I felt that this
4 bifurcated hearing would enable me to comply with the Supreme
5 Court mandate in Rita, and the District Court should first
6 begin all sentencing proceedings by computing the applicable
7 guideline range.

8 First, I allowed the defendants and the government to
9 present objections to the PSI specifically to the offense
10 conduct, enhancement, criminal history calculations, and role
11 in the offense, and the computation of the advisory guideline
12 range as well. At the conclusion of phase one, I ruled on the
13 various objections and made additions, deletions and
14 corrections to the role in the offense paragraphs contained in
15 the PSI. I also ruled on the defendants' other objections. At
16 the conclusion, each defendant was in the same guideline range,
17 360 to life.

18 The guidelines; however, are not the only
19 consideration the Court must take in making a sentence in this
20 case. Therefore, in the second phase the defendants presented
21 evidence, and I heard arguments on the 18 U.S.C. 3553 factors
22 to determine whether they support that sentence that each
23 defendant requested.

24 Over the course of several days, the defendants
25 presented witnesses, documents, photographs, transcripts of

1 recorded conversations and fax transmissions, witnesses
2 traveled to this hearing from California, Detroit, Washington
3 D.C. and elsewhere. I heard the statements of witnesses, and I
4 read the letters of families, friends and associates.

5 The government also presented evidence in rebuttal.
6 The transcripts of these proceedings cover several hundred
7 pages..

8 In the post Booker, Rita, Gall sentencing world, it is
9 imperative that I make an individual assessment of each
10 defendant based upon the facts presented. This assessment is
11 based on the factors, all is outlined in 18 U.S.C. 3553A

12 → I must impose a sentence sufficient but not greater
13 than necessary to comply with the purposes set forth in 3553A2.
14 In determining this sentence, I must consider the nature and
15 circumstances of the offense, and the history and
16 characteristics of each defendant.

17 The crimes here are very serious, but I think it's
18 important at this juncture to state what this case is not
19 about. No so-called act of terrorism occurred on United States
20 soil. These defendants did not seek to damage United States
21 infrastructure, shipping interests, power plants or government
22 buildings. There was never a plot to harm individuals inside
23 the United States or to kill government or political officials.
24 There was never a plot to overthrow the United States
25 government.

1 The defendants maintain that their acts were not
2 criminal, but educational and humanitarian nature to inform the
3 world and the Muslim community of the status of Muslims abroad
4 and to provide aid for Muslims in need. The jury's verdict
5 reject these arguments and contentions and found that the
6 defendants' acts were criminal.

7 What the defendants sought to do was provide support
8 to people sited in various conflicts involving Muslims around
9 Eastern Europe, the Middle East and Northern Africa was found
10 to be criminal. The evidence indicated the defendants sought
11 to provide financial, personnel and material to individuals
12 engaged in armed conflict in these areas. This material
13 support is a violation of the statutes that form the basis of
14 this indictment.

15 However there is no evidence that these defendants
16 personally maimed, killed or kidnapped anyone in the United
17 States or elsewhere.

18 Also, the government has pointed to no identifiable
19 victims. Despite this, this behavior is a crime. The defense
20 has made much throughout the trial that the government
21 overcharged these defendants, and the defendants have suggested
22 other possible charges that carry a range consistently lower
23 than the sentences available to the government in this case.
24 As I have consistently stated throughout the trial and in other
25 proceedings, charging decisions are well within the province of

1 the Executive Branch.

2 The government contends that each defendant in this
3 case should receive life imprisonment. The government argues
4 the seriousness of the offense, the eight year length of the
5 conspiracy, the nature of the crimes, and this is essentially a
6 conspiracy to solicit murder justified life sentences.

7 Obviously, the defendants categorically disagree, and
8 each defendant has asked this Court to vary and to sentence the
9 defendants outside the advisory guideline range.

10 First, I will review the history and characteristics
11 of each of the defendants based upon the evidence presented at
12 trial and the sentencing hearings.

13 Mr. Hassoun is a devout Muslim. Prior to the instant
14 offense, Mr. Hassoun had never been arrested or convicted of a
15 crime. As a youngster, he lived with a Lebanese conflict, and
16 he knew firsthand what happened to a country when internal
17 politics turned violent. His employer and fellow employees
18 describe him as smart, compassionate and a caring human being.
19 He reached out to people in this community here and overseas,
20 often giving of himself personally and financially. Many wrote
21 letters of support to the Court. The plight of Muslims
22 throughout the world pained and moved him. These strong
23 feelings were his motivation to violate the statutes in this
24 case. He knew what it was like to live through armed conflict
25 and religious persecution.

1 The defendant moved to this country, worked, married
2 and had a family. He worked for Marcom Technologies. His
3 employer and fellow employees spoke highly of him. He was a
4 valuable employee. He worked with many employees of many
5 different religions and ethnicity, and there was never any
6 evidence of conflict between Mr. Hassoun and other employees
7 based upon religious beliefs.

8 The government intercepted most of Mr. Hassoun's
9 telephones, work, home, cell and fax. The interceptions and
10 investigation continued for many, many years. He was
11 questioned and never charged with a crime. The government knew
12 where Mr. Hassoun was, knew what he was doing and the
13 government did nothing.

14 * This fact does not support the government's argument
15 that Mr. Hassoun poses such a danger to the community that he
16 needs to be imprisoned for the rest of his life. In fact, when
17 he was initially arrested and placed in custody for almost two
18 years, it was on Immigration charges and not the charges in
19 this case. He was not in an isolated or special housing
20 facility at that time.

21 Despite monitoring Mr. Hassoun for many years, the
22 government is able to point to only one check to Global Relief
23 Foundation as evidence of his support that he continued after
24 October 26, 2001, thus moving this case into a higher penalty
25 of the revised statute.

1 As to Mr. Jayyousi, he has lived in the United States
2 for almost 30 years. He has served in the United States Navy
3 and became a U.S. citizen. He married and started a family.
4 He is an educated man, finished college and has a PhD. He
5 exhibited excellent competence level in all of his employment.
6 He has held a variety of employment situations; the University
7 System of California, the Detroit public schools and the
8 Washington D.C. public schools.

9 He has worked in the United States and abroad on very
10 sophisticated engineering projects. Some of these projects
11 involve issues relating to and involving our allies, military
12 and possible access to sensitive and confidential information.

13 The people who work with him all spoke highly of his
14 effectiveness and his work ethic. He is a devout Muslim. He
15 was willing to discuss religion with others without conflict.
16 He celebrated the peace efforts in the Middle East. He
17 provided assistance to people in his mosque and in the Muslim
18 community. He also is the kind of neighbor that people would
19 want in a community, and many wrote letters of support.

20 Raised in a refugee camp, he saw firsthand how the
21 sufferers of armed conflict affected communities. When he
22 heard of the armed conflict in the Middle East, Africa and
23 Eastern Europe, he provided financial and other resources to
24 assist those abroad. There is no evidence that Mr. Jayyousi
25 continued his involvement in the instant offense after 1998,

1 the Islam Report, his publication, and there are no intercepts
2 of Mr. Jayyousi. He totally withdrew from the instant
3 conspiracy in this case.

4 In fact, the jury specifically found his involvement
5 in these offenses ceased prior to October 26, 2001. By his own
6 statement at sentencing, he moved beyond his actions post 1998.
7 His efforts and energies were directed elsewhere.

8 Like Mr. Hassoun, Mr. Jayyousi was intercepted over
9 several years. Yet despite government's claim that he is a
10 dangerous individual and deserves to be sentenced to life, the
11 government made no effort to intervene. He continued to work
12 in school systems throughout this country. There is no
13 evidence that Mr. Jayyousi knew, met or even heard of Defendant
14 Padilla prior to these proceedings. As I recall, there are no
15 intercepted phone calls between Mr. Jayyousi and Mr. Padilla.

16 Law enforcement officials interviewed Mr. Jayyousi on
17 several occasions. He informed law enforcement officials
18 before he left the country where he would be, and he also
19 informed of his whereabouts. He even registered with the
20 government when he moved abroad.

21 Throughout most of the pretrial and trial, as I stated
22 previously, Mr. Jayyousi was on bond. He found suitable
23 employment despite the restrictions of bond; and despite the
24 seriousness of his charges and the contacts abroad,
25 Mr. Jayyousi complied with all the conditions of release, and

1 was timely for all court and pretrial proceedings.

2 Mr. Padilla; Mr. Padilla is the only defendant in this
3 matter with a prior criminal record. He has both a juvenile
4 and adult record. His last conviction occurred just prior to
5 the beginning of this conspiracy.

6 He moved to Florida from the Chicago area. He
7 converted to Islam and began to attend the same mosque as
8 Mr. Hassoun. He was also seen at the mosque on Friday prayers
9 and other services. He was often at the mosque where he
10 learned about the conflicts involving Muslim communities in
11 Eastern Europe, Middle East and Africa. He helped out at
12 various mosque functions, and he struggled to learn Arabic as
13 he learned the Qur'an.

14 At the time Mr. Padilla joined the conspiracy, his
15 last criminal conviction was in August 1992, barely 14 months
16 before the beginning of this conspiracy.

17 In 1998, Mr. Padilla left the United States, and there
18 is evidence that he spent time in Europe. There is also
19 evidence, based upon the government exhibit, that he trained at
20 a military training camp. However, based upon the
21 preponderance of the evidence, I do not find GXX1 proof that
22 Mr. Padilla graduated from that program.

23 There are too many inconsistencies; the spelling in
24 the initial translation; the timeframe between the form's
25 initial gathering; and the similarity and spelling of another

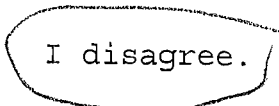
1 supposed graduate of the program.

2 However, in finding Mr. Padilla guilty, the jury
3 accepted the government's interpretation of the conversations
4 between Mr. Padilla and Mr. Hassoun. Also, Mr. Hassoun used
5 Mr. Padilla's Arabic nickname in conversations discussing the
6 conspiracy in coded language.

7 When Mr. Padilla returned to the United States, he was
8 detained at the Chicago Airport. He was subsequently arrested
9 on a material witness warrant out of New York. He was then
10 transferred, and kept in a military brig in South Carolina.

11 The facts of his confinement has been the subject of
12 various pleadings and testimony before this Court. Mr. Padilla
13 was held in solitary confinement in harsh conditions, without a
14 mattress, a Qur'an, books, clock, entertainment or interaction
15 with other relatives or visits. Even an attorney was denied
16 him, and he was subject to extreme and environmental stresses,
17 including extreme noise and temperature variation.

18 The government argues that I cannot take prior
19 conditions of confinement, or the potential for harsh
20 conditions, into consideration in fashioning a sentence.

21  I disagree.

22 The cases where pretrial conditions were not allowed
23 were situations where the District Court found that the
24 conditions did not rise to the level to be considered, or where
25 the Court found the defendant had presented insufficient

1 evidence to support a finding concerning the harsh pretrial
2 condition. See Presley 345 F.3d 1205 and Ramirez-Gutierrez at
3 503 F.3d 643.

4 I do find that the conditions were so harsh for
5 Mr. Padilla and against the standard of the usual conditions of
6 pretrial that they warrant consideration in the Court
7 fashioning a sentence in this case.

8 I want to take a moment. My initial order of the
9 issue of Padilla's pretrial detention related to the relevancy
10 of the detention to the charges in this indictment. I found
11 that the conditions were irrelevant in the criminal conduct
12 alleged in the indictment. I stand by that ruling; however, I
13 do want to state at the time of Mr. Padilla's initial
14 detention, the evidence produced at this trial, specifically
15 the intercepted phone calls, were all available to the United
16 States.

17 The sentences that I announce today do reflect the
18 seriousness of the offense and each defendants' culpability in
19 criminal conduct. I have already discussed the seriousness of
20 the offenses and each defendants' culpability. The sentence in
21 this case will serve to inform others that support of
22 activities abroad, no matter how well-intentioned, conspiracy
23 to support murder, maiming and kidnapping will not be tolerated
24 in this country.

25 The defendants in this case were involved in a

1 situation that was very specific in time. The activities were
2 limited to issues abroad and not in the United States. This;
3 however, does not excuse the activities and still warrant a
4 sentence of incarceration.

5 It should also be noted that an incarcerative sentence
6 also recognizes that these defendants will unlikely engage in
7 new criminal conduct, given their age, as they leave the
8 criminal system; that is, as they approach their senior years.

9 Defendants Hassoun and Jayyousi are educated
10 professional men. Each possess unique skills. Mr. Hassoun is
11 a skilled computer programmer. Mr. Jayyousi is an engineer of
12 considerable skills. He has worked on projects that oversee
13 facilities both here and abroad, and he has a Ph.D.

14 It is doubtful that the Bureau of Prisons is capable
15 of providing much in terms of vocational and educational
16 training for these two defendants.

17 Mr. Padilla should be allowed access to vocational and
18 educational training. Prior to leaving the country and his
19 participation in the conspiracy, he was working in a fast food
20 restaurant.

21 Although the bottom of the advisory guideline range is
22 a range of 360 to life, there is no mandatory minimum here.
23 Given the nature of these offenses, incarceration is necessary.

24 I also think it is necessary here to sentence these
25 defendants to prevent unnecessary sentencing disparity. The

1 defense pointed to a number of different cases around the
2 country with similar charges where the defendants received
3 substantially less time than 360 months, which is the bottom of
4 the guideline range here.

5 The government counters that the counts of those
6 convictions did not involve the conspiracy to kill, kidnap,
7 maim or injure, what the government calls the solicitation
8 counts.

9 David Hicks actually was involved in a conflict
10 involving American troops abroad. Yahya Goba, who testified in
11 this case, received a sentence of ten years. It should be
12 noted that he was charged with the new statute of terrorists
13 receiving terrorist's training. He plead guilty and received
14 those ten years.

15 Amed Omar Ali, out of the Eastern District of
16 Virginia, was charged in a nine count indictment. The
17 indictment charged, among other crimes, conspiracy to
18 assassinate a President, conspiracy to commit aircraft piracy,
19 conspiracy to destroy aircraft along with 239(b) and 239(a).
20 The District Court in that case rejected a life sentence and
21 sentenced Mr. Ali to a sentence of 369 months.

22 In Mandhai, the Court of Appeals found a sentencing
23 range of 188 to 235 months was excessive. Although, once
24 again, that is a different charge and less serious than the Ali
25 charge, Mandhai was charged with an attempt to conspire to bomb

1 electrical transformers in Florida in retaliation of the U.S.
2 Government's support of Israel. He planned to contact
3 government officials after the attack, and demanded a cease of
4 support of countries that oppose Muslims. After two appeals,
5 Mandhai ultimately received a sentence of 168 months.

6 In Awan, which we discussed extensively over the past
7 two weeks, the District Court declined to apply the terrorism
8 enhancement, and sentenced the defendant to 168 months. Once
9 again, Awan was not charged with the solicitation of murder
10 count, rather 239(a).

11 The so-called 20th Highjacker Zacarias Moussaoui
12 received life without parole.

13 Terry Nichols, an accomplice of Timothy McVeigh,
14 responsible for the death of over 150 people, including
15 children, received a life sentence. I point to these two
16 because this is an example, in the past, of what kind of
17 behavior warrants a life sentence, and why I am rejecting life
18 as a sentence in this case.

19 For all the reasons I enunciated above, I will vary
20 from the guideline and sentence the defendants below the
21 advisory guideline range as follows:

22 As to Defendant Hassoun, I sentence the defendant at a
23 level 33, criminal history category four, to 203 months.

24 However, since the defendant will not receive credit for his
25 time in Immigration custody, I am varying the sentence downward

1 by 15 months to a term of 188 months.

2 As to Defendant Jayyousi, recognizing his minimal time
3 in this conspiracy and his efforts consistent with withdrawal,
4 I sentence the defendant at a level 31, criminal history
5 category four, of 152 months.

6 As to Defendant Padilla, unlike the other two
7 defendants, he has a significant criminal record. However, as
8 I stated before, I recognize the significant time that he has
9 spent in harsh conditions. I, therefore, sentence him at a
10 level 33, and 250 months, but vary the sentence downward by 42
11 months to reflect his prior detention in this matter, 208
12 months.

13 As to Defendant Hassoun, it is the judgment of the
14 Court that he be committed to the Bureau of Prisons for a term
15 of 188 months. The term consists of 188 months as to Count 1,
16 60 months as to Count 2, and 180 months as to Count 3. All to
17 be served concurrently.

18 Upon release of imprisonment, the defendant shall be
19 placed on supervised release for a term of 20 years. The term
20 consists of 20 years as to Counts 1 and 3, and three years as
21 to Count 2, also all to run concurrently.

22 Within 72 hours of release from the custody of the
23 Bureau of Prisons, the defendant shall report to the Probation
24 Office where he is released. While on supervised release, the
25 defendant shall not commit any crimes, shall be prohibited from

1 possessing a firearm or other dangerous device, and shall not
2 possess a controlled substance, and shall comply with the
3 standard conditions of supervised release.

4 He shall surrender to Immigration for removal after
5 imprisonment, comply with the financial disclosure
6 requirements, the permissible search requirements. All are
7 outlined in Part G of the pre-sentence report, and the
8 defendant shall pay the \$300 special assessment. That is \$100
9 as to each of the three counts.

10 As to Defendant Jayyousi, it is the judgment of the
11 Court that the Defendant Jayyousi is sentenced to the Bureau of
12 Prisons for a term of 152 months. The term consists of 152
13 months as to Count 1. 60 months as to Count 2. 120 months as
14 to Count 3. All to be served concurrently.

15 Upon release of imprisonment, the defendant shall be
16 placed on supervised release for a term of 20 years. This term
17 consists of 20 years as to Count 1. Three years as to Count 2
18 and 3. All such terms to run concurrently.

19 Within 72 hours of release from the custody of the
20 Bureau of Prisons, the defendant shall report in person to the
21 Probation Office where he is released. While on supervised
22 release, the defendant shall not commit any crimes, will be
23 prohibited from possessing a firearm or other dangerous device,
24 and shall not possess a controlled substance, and shall comply
25 with the standard conditions of supervised release including

1 the following special conditions:

2 The financial disclosure requirements; the employment
3 requirements; and the permissible search requirements. All of
4 these are more specifically outlined in Part G of the
5 pre-sentence report, and he shall also pay the special
6 assessment of \$300.

7 As to Defendant Padilla, the total offense level is
8 33, and the criminal history category is six.

9 It is the judgment of the Court the defendant is
10 sentenced to a term of 208 months as to Count 1. 60 months as
11 to Count 2. 180 months as to Count 3. All to be served
12 concurrently.

13 Upon release of imprisonment, the defendant shall be
14 placed on supervised release for a term of 20 years. That term
15 consists of 20 years as to Counts 1 and 3, and three years as
16 to Count 2. All to run concurrently.

17 Within 72 hours of release from the Bureau of Prisons,
18 the defendant shall report to the Probation Office where he is
19 released. While on supervised release, he shall not possess
20 any firearms or other dangerous devices, shall not possess a
21 controlled substance, and shall comply with the standard
22 conditions of supervised release including the following
23 special conditions:

24 Mental health treatment; the financial disclosure
25 requirements; the employment requirements and the permissible

1 search requirements. All are outlined more specifically in
2 Part G of the pre-sentence report, and he shall pay the special
3 assessment as to each of the counts in the amount of \$300.

4 As to Defendant Hassoun, does the defendant or his
5 counsel object to the Court's findings of fact or the manner in
6 which the sentence was pronounced?

7 MR. SWARTZ: Your Honor, we would like to preserve all
8 of our issues that we raised during the sentencing pursuant to
9 Jones. To the extent that we need to preserve everything again
10 that we raised during the sentencing; yes, Your Honor, I want
11 to object.

12 THE COURT: Mr. Hassoun, you have a right to appeal
13 the sentence imposed. Any notice of appeal must be filed
14 within ten days after the entry of the judgment. if you are
15 unable to pay the cost of appeal, you may apply for leave in
16 forma pauperis. Do you understand that, sir?

17 DEFENDANT HASSOUN: Yes.

18 THE COURT: As to the Defendant Jayyousi, does the
19 defendant or his counsel object to the Court's findings of fact
20 or the manner in which sentence was pronounced?

21 MR. SWOR: Your Honor, as counsel for Mr. Hassoun did,
22 we will preserve all of our previous objections.

23 THE COURT: Mr. Jayyousi, I will also remind you that
24 you have a right to appeal this sentence. Any notice of appeal
25 must be filed within ten days after the entry of the judgment.

1 If you are unable to pay the cost of an appeal, you may apply
2 for leave to appeal in forma pauperis. Do you understand that?

3 DEFENDANT JAYYOUSI: Yes, Your Honor.

4 THE COURT: As to the Defendant Padilla, does the
5 defendant or his counsel object to the Court's findings of fact
6 or the manner in which the sentence was pronounced?

7 MR. CARUSO: Likewise, Your Honor, we would preserve
8 all of our previously made objections both factually and
9 legally.

10 THE COURT: Mr. Padilla, you have a right to appeal
11 the sentence imposed. Any notice of appeal must be filed
12 within ten days after the entry of judgment. If you are unable
13 to pay the cost of appeal, you may apply for leave to appeal in
14 forma pauperis. Do you understand that?

15 DEFENDANT PADILLA: Yes, I do, Your Honor.

16 THE COURT: Counsel for the United States, do you
17 object to the sentence outside of the guideline range.

18 MR. SHIPLEY: Yes, Your Honor, so we are clear on the
19 record, because, obviously, the Court's ruling has deviated
20 from the PSI, so we are clear in our objections, in addition to
21 the objections previously made on the record, we object to the
22 Court's changes in paragraph 12, 17 and 53 of the offense
23 conduct and the corresponding paragraphs in Jayyousi's PSI.

24 We object to the Court's failure to give Jayyousi a
25 three level, or at least a two level increase for role. We

1 object to the Court's failure to give Hassoun a two or three
2 level increase for role. We object to the Court's departure
3 downward under 481.3 to a level 4 and also for failure to
4 consider a level 5.

5 Finally, we object that the sentences imposed are
6 unreasonable in light of the 3553 factors and improperly
7 calculated under the advisory guideline range, specifically
8 including, but not limited to, the Court's finding regarding
9 the history and characteristics of these defendants, including
10 the Court's finding that the jury found that Jayyousi's
11 criminal conduct ceased in 1997; the Court's consideration of
12 Padilla's detention as an enemy combatant and alleged
13 conditions of his detention, as well as the Court's
14 consideration of Hassoun's Immigration status and the time he
15 served there. For all of those reasons, and reasons stated
16 previously on the record, those are our objections.

17 THE COURT: Thank you, Mr. Shipley. Anything further
18 on behalf of the United States?

19 MR. KILLINGER: Nothing, Your Honor.

20 THE COURT: Anything further on behalf of Mr. Hassoun?

21 MR. SWARTZ: Yes, Your Honor, we would ask the Court
22 for a recommendation designation to FCI in Miami. We would
23 also ask the Court to enter an order, and we can supply the
24 written order, that Mr. Hassoun be kept at the FDC while the
25 pending charges, the severed counts, are pending. Until the

1 government decides what we are going to do with that, and we
2 decide what is going to happen with those counts, Your Honor,
3 we would ask that he be kept at FDC here, where he can be seen
4 by his counsel, has got his materials from the case, he can
5 consult with us and see the materials. It will avoid the
6 disruption of the representation of Mr. Hassoun.

7 THE COURT: Let me ask Mr. Killinger. Mr. Killinger,
8 do you plan to proceed with the severed counts prior to the
9 appeal in this matter?

10 MR. KILLINGER: I guess that depends on discussions
11 that we have with the defense. We haven't had any, Judge, to
12 be perfectly candid with you. We do plan to proceed with the
13 severed counts.

14 THE COURT: I will make the recommendation,
15 Mr. Swartz. As you know, the Bureau of Prisons has a mind of
16 its own, particularly with regards to these matters. They may
17 be well within their rights if they determine that after you
18 speak with the government that it may be some time before they
19 proceed with the severed counts, and they will wait to see what
20 happens with the appeal in this matter.

21 MR. SWARTZ: I've been talking with the marshals about
22 this, and I don't want to put them on the spot, but I
23 understand in cases similar to this where there are pending or
24 severed counts that the BOP may keep somebody here at the FDC
25 while they are pending. They may need an order from the Court

1 or something in writing to alert them that this will be treated
2 differently than to just ship him out, because technically they
3 are still pre-trial.

4 MR. KILLINGER: Judge, I am sure that FDC is quite
5 aware of what he is charged with.

6 THE COURT: I am certain they will work this out. But
7 I want you to know, and I am certain that you have discussed
8 this with your client, this is probably one of the many
9 administrative decisions that the BOP will make, that I have
10 little or no control over.

11 MR. SWARTZ: We all know that, Your Honor, that they
12 will do what they do. As far as the recommendation to FCI
13 Miami?

14 THE COURT: I will make a recommendation if he didn't
15 remain at FDC Miami that there be a recommendation that he be
16 housed at FCI Miami.

17 MR. SWARTZ: Even as a permanent designation.

18 THE COURT: I will make that recommendation.

19 MR. SWARTZ: Thank you.

20 THE COURT: Mr. Swor?

21 MR. SWOR: We ask that the Court recommend to the BOP
22 that Doctor Jayyousi be housed at Milan, Michigan.

23 THE COURT: I will make that recommendation.

24 Mr. Jayyousi, I am sure that your counsel has
25 explained to you that it's a recommendation. Once again, I

1 won't know what administrative procedures the BOP will take.

2 DEFENDANT JAYYOUSI: Yes, Your Honor. Thank you.

3 THE COURT: Is there any recommendation for the
4 Defendant Padilla?

5 MR. CARUSO: Yes, Your Honor. We would like you to
6 recommend to the BOP, given that Jose's family all reside in
7 South Florida, a facility that is as close to South Florida as
8 possible.

9 THE COURT: I will make that recommendation,
10 Mr. Padilla. Once again, I will inform you, as I have to the
11 other defendants, that that is a decision that I have little or
12 no control over, but I will make that recommendation.

13 Thank you very much everyone.

14 [Sentencing proceedings conclude at 12:15 p.m.]

15 C E R T I F I C A T E

16 I hereby certify that the foregoing is an accurate
17 transcription of proceedings in the above-entitled matter.

18
19
20 _____
DATE

20 _____
ROBIN MARIE DISPENZIERI, RPR
21 Official Federal Court Reporter
22 United States District Court
301 North Miami Ave., 6th Floor
Miami, FL 33128 - (305)523-5158

Exhibit 17

From: [Bianco, Anthony D. \(CIV\)](#)
To: [Leone, Justin M](#)
Cc: [Baroukh, Nader](#); [Stallard, Jaired](#); [Wiegand, Nancy H. \(OGC\) \(FBI\)](#); [NG, CATHY](#); [Bjornrud, Maria](#); **LE**
LE [Bridge, Carol G](#); [Smith, Laura](#); [Hengerer, Carla J](#); [Mccarthy, Alyssa F. \(OGC\) \(FBI\)](#);
LE [Danziger, Kathleen](#); [Wolf, Liana](#); [Counihan, Brian](#); [Gleiberman, Nina](#); [Bessee, Cecilia O. \(OGC\) \(FBI\)](#);
LE [Chang, Hayley E. \(OGC\) \(FBI\)](#); [Carilli, Joseph F. \(CIV\)](#); [Peachey, William \(CIV\)](#); [Connolly, Kathleen A. \(CIV\)](#); [Belsan, Timothy M. \(CIV\)](#);
LE [Inkeles, John \(CIV\)](#); [Platt, Steven A. \(CIV\)](#)
Subject: Re: Hassoun v. Searls (W.D.N.Y. 19-cv-0370) Al Abed update
Date: Tuesday, June 16, 2020 2:50:20 PM

Justin,

Thanks for the reply.

Anthony

Sent from my iPhone

On Jun 16, 2020, at 2:43 PM, Leone, Justin M <Justin.M.Leone@ice.dhs.gov> wrote:

Anthony,

AWP

Justin M. Leone
Associate Legal Advisor
National Security Law Division
Office of the Principal Legal Advisor
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(202) 732-3304 (office)
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From: Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>
Sent: Tuesday, June 16, 2020 2:34 PM
To: Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

NG, CATHY <CATHY.NG@hq.dhs.gov>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>;
Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>; LE
LE ; Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura
<Laura.Smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>;
Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE
LE Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>;
Wolf, Liana <Liana.Wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>;
Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI)
<COBessee@fbi.gov>; LE LE
LE Chang, Hayley E. (OGC) (FBI)
<HECHANG@FBI.GOV>

Cc: Carilli, Joseph F. (CIV) <Joseph.F.Carilli2@usdoj.gov>; Peachey, William (CIV)
<William.Peachey@usdoj.gov>; Connolly, Kathleen A. (CIV)
<Kathleen.A.Connolly@usdoj.gov>; Belsan, Timothy M. (CIV)
<Timothy.M.Belsan@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>; Platt,
Steven A. (CIV) <Steven.A.Platt@usdoj.gov>

Subject: Hassoun v. Searls (W.D.N.Y. 19-cv-0370) Al Abed update

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All,

AWP

he would
still testify if the government can provide a letter documenting his cooperation in this
case.

AWP

Regards,
Anthony
Anthony D. Bianco | U.S. Department of Justice
Senior Litigation Counsel
District Court Section
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 305-8014
anthony.d.bianco@usdoj.gov

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From: [Stallard, Jaired](#)
To: [Wiegand, Nancy H. \(OGC\) \(FBI\)](#); NG, CATHY; [Leone, Justin M](#); [Bianco, Anthony D. \(CIV\)](#); [Platt, Steven A. \(CIV\)](#); [Bjornerud, Maria](#); LE [Bridge, Carol G](#); [Smith, Laura](#); [Hengerer, Carla J](#); [Mccarthy, Alyssa F. \(OGC\) \(FBI\)](#); LE ; [Baroukh, Nader](#); [Danziger, Kathleen](#); [Wolf, Liana](#); [Counihan, Brian](#); [Gleiberman, Nina](#); [Bessee, Cecilia O. \(OGC\) \(FBI\)](#); LE LE
 LE [Loiacono, Adam V](#)
Cc: [Connolly, Kathleen A. \(CIV\)](#); [Carilli, Joseph F. \(CIV\)](#); [Belsan, Timothy M. \(CIV\)](#); [Moar, Daniel \(USANYW\)](#); [Inkeles, John \(CIV\)](#)
Subject: RE: Hassoun - Logistics of Evidentiary Hearing
Date: Friday, June 5, 2020 6:45:35 PM

AWP

Jaired D. Stallard
 Chief, National Security Law Division
 Office of the Principal Legal Advisor
 U.S. Immigration and Customs Enforcement
 (202) 732-3366 (office)
 (202) 276-8063 (cell)
jaired.stallard@ice.dhs.gov
jaired.stallard@dhs.gov

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From: Stallard, Jaired
Sent: Thursday, June 4, 2020 3:55 PM
To: [Wiegand, Nancy H. \(OGC\) \(FBI\)](#) <NHWiegand@fbi.gov>; NG, CATHY <CATHY.NG@hq.dhs.gov>; [Leone, Justin M](#) <Justin.M.Leone@ice.dhs.gov>; [Bianco, Anthony D. \(CIV\)](#) <Anthony.D.Bianco@usdoj.gov>; [Platt, Steven A. \(CIV\)](#) <Steven.A.Platt@usdoj.gov>; [Bjornerud, Maria](#) <Maria.Bjornerud@ice.dhs.gov>; LE [Bridge, Carol G](#) <Carol.G.Bridge@ice.dhs.gov>; [Smith, Laura](#) <Laura.Smith@hq.dhs.gov>; [Hengerer, Carla J](#) <Carla.J.Hengerer@ice.dhs.gov>; [Mccarthy, Alyssa F. \(OGC\) \(FBI\)](#) <afmccarthy@fbi.gov>; LE [Baroukh, Nader](#) <Nader.Baroukh@HQ.DHS.GOV>; [Danziger, Kathleen](#) <Kathleen.Danziger@ice.dhs.gov>; [Wolf, Liana](#) <Liana.Wolf@hq.dhs.gov>; [Counihan, Brian](#) <Brian.Counihan@ice.dhs.gov>; [Gleiberman, Nina](#) <Nina.Gleiberman@ice.dhs.gov>; [Bessee, Cecilia O. \(OGC\) \(FBI\)](#) <COBessee@fbi.gov>; LE LE
Cc: [Connolly, Kathleen A. \(CIV\)](#) <Kathleen.A.Connolly@usdoj.gov>; [Carilli, Joseph F. \(CIV\)](#) <Joseph.F.Carilli2@usdoj.gov>; [Belsan, Timothy M. \(CIV\)](#) <Timothy.M.Belsan@usdoj.gov>; [Moar, Daniel \(USANYW\)](#) <Daniel.Moar@usdoj.gov>; [Inkeles, John \(CIV\)](#) <John.Inkeles@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing
AWP

Jaired D. Stallard
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Office of the Principal Legal Advisor
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From: Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>

Sent: Thursday, June 4, 2020 3:24 PM

To: NG, CATHY <CATHY.NG@hq.dhs.gov>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>; Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>; LE

LE ; Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <Laura.Smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE

Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; Wolf, Liana <Liana.Wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; LE ,

LE

LE

Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV) <Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar, Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

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AWP

Nancy
Nancy Healy Wiegand
Section Chief
Office of the General Counsel
Federal Bureau of Investigation

Washington, DC 20535
(202) 324-5822 (desk)
(202) 870-2990 (cell)

From: NG, CATHY <cathy.ng@hq.dhs.gov>

Sent: Thursday, June 4, 2020 12:50 PM

To: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>; Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>; LE
Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE Baroukh, Nader
<Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>; LE

LE

Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV) <Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar, Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing
Anthony, FBI,

AWP

Thanks,

Cat

Cathy Ng

Attorney Advisor (on detail from ICE)

Immigration Law Division

DHS Office of the General Counsel

Office: 202-282-9306

Cell: 202-981-4262

Email: cathy.ng@hq.dhs.gov

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From: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>

Sent: Thursday, June 4, 2020 11:10 AM

To: Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>; Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>; NG, CATHY <cathy.ng@hq.dhs.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>; LE Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE

LE Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>;
Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>;
NAPOLITANO, AMBER <amber.napolitano@hq.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>;
Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>;
Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI)
<NHWiegand@fbi.gov>; LE LE

LE
Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV)
<Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar,
Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing
Anthony,

AWP

Justin M. Leone
Associate Legal Advisor
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Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-3304 (office)
(202) 494-2733 (mobile)
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From: Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>
Sent: Thursday, June 04, 2020 11:01 AM
To: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Platt, Steven A. (CIV)
<Steven.A.Platt@usdoj.gov>; NG, CATHY <CATHY.NG@hq.dhs.gov>; Bjornerud, Maria
<Maria.Bjornerud@ice.dhs.gov>; LE LE Bridge,
Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <Laura.Smith@hq.dhs.gov>; Hengerer, Carla J

<Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE
LE Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>;
Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>;
NAPOLITANO, AMBER <AMBER.NAPOLITANO@hq.dhs.gov>; Wolf, Liana <Liana.Wolf@hq.dhs.gov>;
Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>;
Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI)
<NHWiegand@fbi.gov>; LE LE
LE

Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV)
<Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar,
Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

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Justin,

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Anthony

From: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>

Sent: Thursday, June 4, 2020 8:57 AM

To: Bianco, Anthony D. (CIV) <abianco@CIV.USDOJ.GOV>; Platt, Steven A. (CIV)
<splatt@CIV.USDOJ.GOV>; NG, CATHY <CATHY.NG@hq.dhs.gov>; Bjornerud, Maria
<Maria.Bjornerud@ice.dhs.gov>; LE Bridge,
Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <Laura.Smith@hq.dhs.gov>; Hengerer, Carla J
<Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE
LE Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>;
Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>;
NAPOLITANO, AMBER <AMBER.NAPOLITANO@hq.dhs.gov>; Wolf, Liana <Liana.Wolf@hq.dhs.gov>;
Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>;
Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI)
<NHWiegand@fbi.gov>; LE LE
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Cc: Connolly, Kathleen A. (CIV) <kconnoll@CIV.USDOJ.GOV>; Carilli, Joseph F. (CIV)
<jcarilli@CIV.USDOJ.GOV>; Belsan, Timothy M. (CIV) <tbelsan@CIV.USDOJ.GOV>; Moar, Daniel
(USANYW) <DMoar@usa.doj.gov>; Inkeles, John (CIV) <JInkeles@civ.usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

Anthony,

AWP

Justin M. Leone

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(202) 732-3304 (office)
(202) 494-2733 (mobile)
justin.m.leone@ice.dhs.gov
justin.leone@dhs.sgov.gov
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From: Bianco, Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>
Sent: Thursday, June 04, 2020 8:48 AM
To: Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>; NG, CATHY <CATHY.NG@hq.dhs.gov>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>;
LE Bridge, Carol G
<Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <Laura.Smith@hq.dhs.gov>; Hengerer, Carla J
<Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>; LE
LE Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>;
Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>;
NAPOLITANO, AMBER <AMBER.NAPOLITANO@hq.dhs.gov>; Wolf, Liana <Liana.Wolf@hq.dhs.gov>;
Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>;
Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI)
<NHWiegand@fbi.gov>; LE LE
LE
Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV)
<Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar, Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>
Subject: RE: Hassoun - Logistics of Evidentiary Hearing

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All,

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From: Platt, Steven A. (CIV) <splatt@CIV.USDOJ.GOV>
Sent: Wednesday, June 3, 2020 4:18 PM
To: NG, CATHY <cathy.ng@hq.dhs.gov>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>; LE

Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>;

LE

Baroukh, Nader

<Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; NAPOLITANO, AMBER <amber.napolitano@hq.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

LE

LE

Cc: Connolly, Kathleen A. (CIV) <kconnoll@CIV.USDOJ.GOV>; Carilli, Joseph F. (CIV) <jcarilli@CIV.USDOJ.GOV>; Belsan, Timothy M. (CIV) <tbelsan@CIV.USDOJ.GOV>; Moar, Daniel (USANYW) <DMoar@usa.doj.gov>; Inkeles, John (CIV) <JInkeles@civ.usdoj.gov>; Bianco, Anthony D. (CIV) <abianco@CIV.USDOJ.GOV>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

I hope most of you were able to make the court hearing this afternoon, but if you did not, the court ordered that the evidentiary hearing will occur in-person in Rochester, NY, on June 24-30. The court will permit witnesses or attorneys to appear remotely only for good cause shown. We must file a document by Friday identifying each such witness and arguing why they cannot appear in person. For such individuals, the court will require them to either use Zoom for Government, or appear remotely from another federal courthouse. The court identified particular social distancing restrictions for the hearing (e.g., uniform masking; only a certain number of people will be permitted in the well).

The judge inquired as to the status of settlement discussions. We explained that discussions have stalled out. She asked to be apprised if that changes.

The judge entered the following order to that effect:

Docket Text:

TEXT ORDER. As discussed on the record at the appearance on June 3, 2020, by no later than June 5, 2020, each party shall submit the following: (1) a statement of how many individuals the party anticipates having physically present in the courtroom during the evidentiary hearing scheduled to commence on June 24, 2020; (2) for any party seeking permission to present a witness remotely at the evidentiary hearing, an application specifically identifying the witness whom the party seeks to present remotely and the reasons that the witness cannot be presented in person; (3) for any attorney seeking permission to participate in the hearing remotely and question a witness or witnesses, an application specifically identifying the attorney, the witness(es) as to whom remote questioning is proposed, and the reasons why the attorney cannot appear in person; and (4) for any proposed remote appearance by a witness or attorney, the means by which the party is proposing that the individual would appear remotely (e.g. appear at federal courthouse located in Southern District of Florida; appear using Government Zoom with identification of adequacy of internet connection and device access, etc.). Any response is due by June 9, 2020. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 06/03/2020. (CDH)

From: Platt, Steven A. (CIV)

Sent: Sunday, May 31, 2020 10:23 PM

To: NG, CATHY <cathy.ng@hq.dhs.gov>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>;

LE

Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>;

LE

Baroukh, Nader

<Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; NAPOLITANO, AMBER <amber.napolitano@hq.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <cobessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

LE

LE

Cc: Connolly, Kathleen A. (CIV) <kconnoll@CIV.USDOJ.GOV>; Carilli, Joseph F. (CIV) <jcarilli@CIV.USDOJ.GOV>; Belsan, Timothy M. (CIV) <tbelsan@CIV.USDOJ.GOV>; Moar, Daniel (USANYW) <DMoar@usa.doj.gov>; Inkeles, John (CIV) <JInkeles@civ.usdoj.gov>; Bianco, Anthony D. (CIV) <abianco@CIV.USDOJ.GOV>; Peachey, William (CIV) <WPeachey@CIV.USDOJ.GOV>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

Hi everyone, attached are this past Friday's filings. Please note that Hassoun asked to file his objections to our pre-hearing memorandum (i.e., the documents in the attached Zip file) under seal. Steve

From: NG, CATHY <cathy.ng@hq.dhs.gov>

Sent: Friday, May 29, 2020 6:31 PM

To: Platt, Steven A. (CIV) <splatt@CIV.USDOJ.GOV>; Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria <Maria.Bjornerud@ice.dhs.gov>;

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; Bridge, Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F. (OGC) (FBI) <afmccarthy@fbi.gov>;

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Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; NAPOLITANO, AMBER <amber.napolitano@hq.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

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Cc: Connolly, Kathleen A. (CIV) <kconnoll@CIV.USDOJ.GOV>; Carilli, Joseph F. (CIV) <jcarilli@CIV.USDOJ.GOV>; Belsan, Timothy M. (CIV) <tbelsan@CIV.USDOJ.GOV>; Moar, Daniel (USANYW) <DMoar@usa.doj.gov>; Inkeles, John (CIV) <JInkeles@civ.usdoj.gov>; Bianco, Anthony D. (CIV) <abianco@CIV.USDOJ.GOV>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

Steve,

AWP

AWP

Thanks,

Cat

Cathy Ng

Attorney Advisor (on detail from ICE)

Immigration Law Division

DHS Office of the General Counsel

Office: 202-282-9306

Cell: 202-981-4262

Email: cathy.ng@hq.dhs.gov

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From: Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>

Sent: Friday, May 29, 2020 5:44 PM

To: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria

<Maria.Bjornerud@ice.dhs.gov>; LE Bridge,

Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <laura.smith@hq.dhs.gov>; NG, CATHY

<cathy.ng@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F.

(OGC) (FBI) <afmccarthy@fbi.gov>; LE

Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen

<Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; NAPOLITANO,

AMBER <amber.napolitano@hq.dhs.gov>; Wolf, Liana <liana.wolf@hq.dhs.gov>; Counihan, Brian

<Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia

O. (OGC) (FBI) <COBessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

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Cc: Connolly, Kathleen A. (CIV) <Kathleen.A.Connolly@usdoj.gov>; Carilli, Joseph F. (CIV)

<Joseph.F.Carilli2@usdoj.gov>; Belsan, Timothy M. (CIV) <Timothy.M.Belsan@usdoj.gov>; Moar,

Daniel (USANYW) <Daniel.Moar@usdoj.gov>; Inkeles, John (CIV) <John.Inkeles@usdoj.gov>; Bianco,

Anthony D. (CIV) <Anthony.D.Bianco@usdoj.gov>

Subject: RE: Hassoun - Logistics of Evidentiary Hearing

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AWP

. Thanks,

Steve

From: Platt, Steven A. (CIV)

Sent: Wednesday, May 27, 2020 6:19 PM

To: Leone, Justin M <Justin.M.Leone@ice.dhs.gov>; Bjornerud, Maria

<Maria.Bjornerud@ice.dhs.gov>; LE Bridge,

Carol G <Carol.G.Bridge@ice.dhs.gov>; Smith, Laura <Laura.Smith@hq.dhs.gov>; NG, CATHY

<CATHY.NG@hq.dhs.gov>; Hengerer, Carla J <Carla.J.Hengerer@ice.dhs.gov>; Mccarthy, Alyssa F.

(OGC) (FBI) <afmccarthy@fbi.gov>; LE

Baroukh, Nader <Nader.Baroukh@HQ.DHS.GOV>; Danziger, Kathleen <Kathleen.Danziger@ice.dhs.gov>; Stallard, Jaired <Jaired.Stallard@ice.dhs.gov>; NAPOLITANO, AMBER <AMBER.NAPOLITANO@hq.dhs.gov>; Wolf, Liana <Liana.Wolf@hq.dhs.gov>; Counihan, Brian <Brian.Counihan@ice.dhs.gov>; Gleiberman, Nina <Nina.Gleiberman@ice.dhs.gov>; Bessee, Cecilia O. (OGC) (FBI) <cobessee@fbi.gov>; Wiegand, Nancy H. (OGC) (FBI) <NHWiegand@fbi.gov>;

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Cc: Connolly, Kathleen A. (CIV) <kconnoll@CIV.USDOJ.GOV>; Carilli, Joseph F. (CIV) <jcarilli@CIV.USDOJ.GOV>; Belsan, Timothy M. (CIV) <tbelsan@CIV.USDOJ.GOV>; Moar, Daniel (USANYW) <DMoar@usa.doj.gov>; Inkeles, John (CIV) <JInkeles@civ.usdoj.gov>; Bianco, Anthony D. (CIV) <abianco@CIV.USDOJ.GOV>

Subject: Hassoun - Logistics of Evidentiary Hearing

Hi all,

AWP

Please know that the judge today set a telephonic status conference for June 3 at 12pm "for the purpose of discussing logistics associated with the evidentiary hearing scheduled to commence on June 24, 2020." The court's minute entry cautions, "This appearance is not for purposes of oral argument and does not take the place of the appearance set for June 12, 2020."

Steve

(202) 532-4074

Memo to File

Author: John Inkeles

Date: March 24, 2020

Re: Telephone call with Mohammed Al Abed (and his wife) – 646.796.1694 (her cell)

Synopsis of call:

AWP

Prior to giving us a full account of what he knows, Al Abed would like an offer from ICE/DHS.

AWP

AWP

what ICE might offer in exchange for this testimony.

AWP

AWP

AWP

AWP

AWP

They also would like to hear what, if anything, ICE can offer in exchange for Al Abed's testimony.

From: [Bianco, Anthony D. \(CIV\)](#)
To: [Leone, Justin M](#); [Gleiberman, Nina](#)
Cc: [Baroukh, Nader](#); [NG, CATHY](#); [Counihan, Brian](#); [Bridge, Carol G](#); [Inkeles, John \(CIV\)](#); [Moar, Daniel \(USANYW\)](#); [Platt, Steven A. \(CIV\)](#); [Danziger, Kathleen](#); [Stallard, Jaired](#); [Wolf, Liana](#); [Hengerer, Carla J](#); [NAPOLITANO, AMBER](#); [Smith, Laura](#)
Subject: Hassoun v. Searls (W.D.N.Y. 19-cv-0370) Al Abed witness request
Date: Wednesday, April 15, 2020 12:27:11 PM

Justin and Nina,

AWP

Al Abed

AWP

has indicated that he will not assist unless the government will take action regarding his removal.

AWP

AWP

AWP

Thanks,
Anthony

Anthony D. Bianco | U.S. Department of Justice
Senior Litigation Counsel
District Court Section
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 305-8014
anthony.d.bianco@usdoj.gov

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Exhibit 18

Nicole Hallett

From: Platt, Steven A. (CIV) <Steven.A.Platt@usdoj.gov>
Sent: Monday, June 22, 2020 9:38 PM
To: Jonathan Hafetz; Brett Max Kaufman; Charlie Hogle; Molly Buckley; Nicole Hallett; Aly Panjwani; Courteney Leinonen; Jonathan Manes; Colton Kells; Barry, Erin; Samantha Becci; intern - Alev Erhan
Cc: Belsan, Timothy M. (CIV); Inkeles, John (CIV); Moar, Daniel (USANYW); Bianco, Anthony D. (CIV); Carilli, Joseph F. (CIV)
Subject: Hassoun v. Searls - Document Production
Attachments: Vol 17 (DEF-00021643 to DEF-00021659) - Production.pdf; Letter.pdf; Volume 17 Privilege Log.pdf

Dear Counsel:

Attached please find Production Volume 17, as discussed during this afternoon's meet and confer. Also attached is a letter ICE received from your client.

Sincerely,

Steven A. Platt

Counsel for National Security
U.S. Department of Justice | Civil Division | Office of Immigration Litigation | District Court Section
P.O. Box 868 | Ben Franklin Station | Washington, DC 20044
(202) 532-4074 (direct) | steven.a.platt@usdoj.gov

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