

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ABU AGILA MOHAMMAD
MAS'UD KHEIR AL-MARIMI,

Defendant.

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:

Case No. 22-cr-392 (DLF)

[REDACTED]

GOVERNMENT'S MOTION TO SEAL
GOVERNMENT'S MOTIONS *IN LIMINE* FOR
DEPOSITION OF [REDACTED]

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this motion to seal its Motions *In Limine* for Deposition of [REDACTED]. The document pertains to a matter that the Court has already ruled is properly sealed. The defense does not oppose sealing.

* * *

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the Court issue an order to seal the document until further order of this Court.

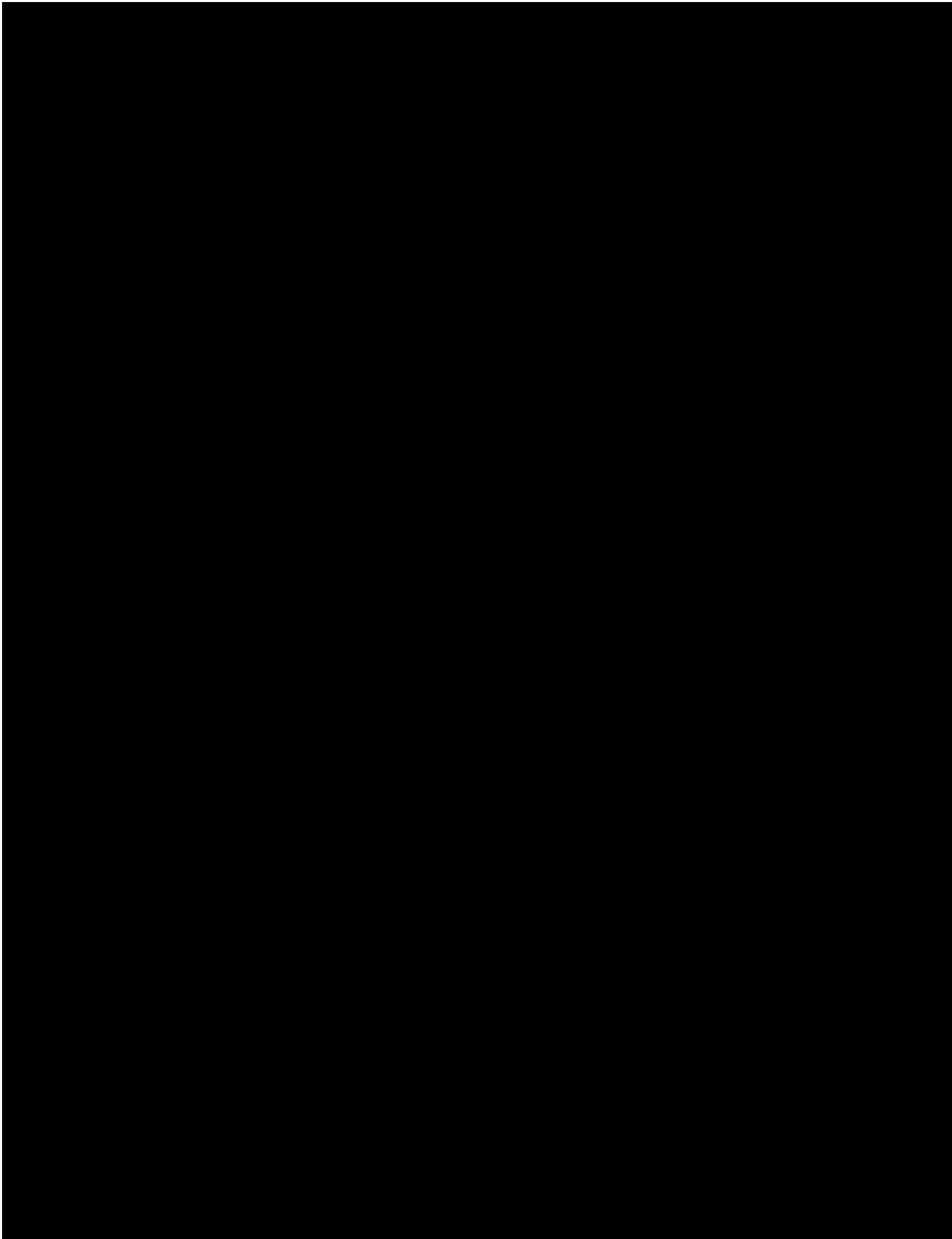
Respectfully submitted,
JEANINE FERRIS PIRRO
UNITED STATES ATTORNEY

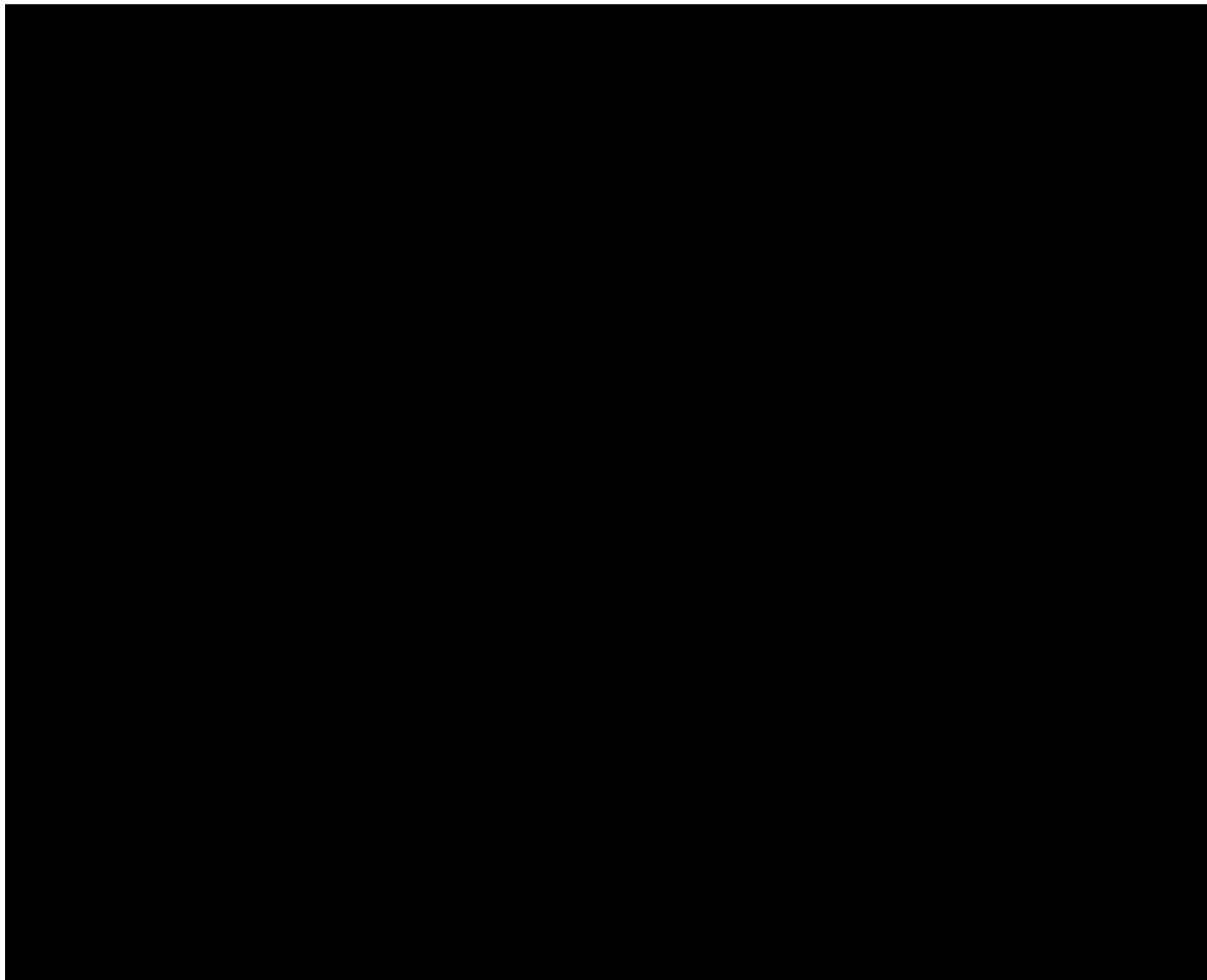
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I hereby certify that on this the 2nd day of February, 2026, I will cause a copy of this pleading and associated documents to be served on counsel for the defendant via email.

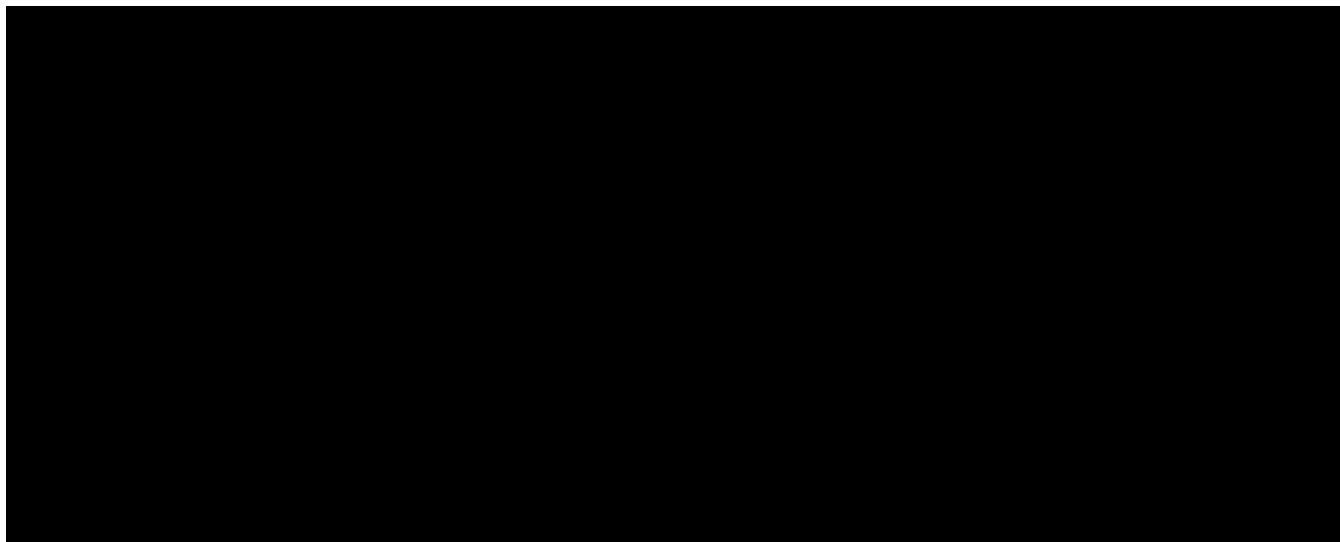
/s/ *Conor Mulroe*
Conor Mulroe
Assistant United States Attorney





MOTIONS IN LIMINE

1. Cross-examination about [REDACTED] should be precluded.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The defense cannot, during their cross of [REDACTED] offer any of [REDACTED]'s statements for the truth of any matter asserted in them. *See* Fed. R. Evid. 801, 802. The government is aware of no argument for the application of any hearsay exception to these statements, nor any plausible theory under which they could be offered for a purpose other than their truth. Even if there were some exception or non-truth theory, the statements would be excludable under Rule 403 because their probative value would be substantially outweighed by prejudice to the government, confusion of the issues, and misleading the jury. If the defense intends to use any [REDACTED] statements during the cross of [REDACTED] the government requests that they proffer those statements in their response brief so that the issue can be argued and resolved prior to the deposition.

Nor are any of [REDACTED] statements or conduct admissible for the purpose of impeaching [REDACTED]. A prior statement offered for impeachment “must be that of the witness to be impeached and not of some other person.” *Tucci v. Dixon*, 01-cv-2337, 2005 WL 2335333, at *5 (M.D. Pa. Sept. 23, 2005); *see also id.* (collecting cases). “Merely offering a contradictory account offered by one witness does not go to another witness's credibility unless the first witness' account is offered as true.” *United States v. Bao*, 189 F.3d 860, 866 (9th Cir. 1999).

Accordingly, the defense should not be permitted to cross [REDACTED] about [REDACTED]

CONCLUSION

For the above reasons, the Court should grant the government's motions *in limine*.

Respectfully submitted,

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