

**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)**

**GOVERNMENT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL RESPONSE TO  
COURT ORDER REGARDING MOTION TO RECONSIDER**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves the Court for leave to submit the attached supplemental response to the Court's Minute Order of August 12, 2026, regarding the government's motion to reconsider, ECF 574. On August 12, 2026, the Court ordered the government to address various issues related to the government's motion for the Court to reconsider its ruling with respect to 18 U.S.C § 3505, with a due date of August 14, 2026. The government submitted its response on that date. *See* ECF 625.

The attached proposed supplement makes arguments regarding authentication of the documents at issue under Fed. R. Crim. P. 24, Fed. R. Civ. P. 44, and Fed. R. Evid. 902(4). Between August 12 and 14, the government consulted with other sections within the Department of Justice, including the Office of International Affairs, regarding those arguments. That consultation was ongoing through earlier today, August 15, 2026. As a result, undersigned counsel did not include those arguments ECF 625 because government counsel wanted to ensure that its arguments were sufficiently supported before making them to this Court. After that consultation, the government would like to present those arguments for the Court's consideration. Accordingly, the government moves for leave to file the attached supplement laying out its position.

The government submits that because it is submitting this proposed supplement less than 24 hours after filing its response to the Court's order, and because that supplement is less than three pages long, accepting the late filing would not substantially prejudice any party or the Court's consideration of the issue. Accordingly, the government respectfully request that the Court accept the attached supplement for filing.

Respectfully submitted,

JEANINE FERRIS PIRRO  
UNITED STATES ATTORNEY

By: /s/ Erik Kenerson  
ERIK M. KENERSON (OH Bar No. 82960)  
CONOR MULROE (NY Bar No. 5289640)  
BRITTANY KEIL (D.C. Bar No. 500054)  
CHARLES R. JONES (D.C. Bar Number 1035541)  
Assistant United States Attorneys  
JEROME J. TERESINSKI (PA Bar No. 66235)  
Special Assistant United States Attorney  
601 D Street NW, Washington, D.C. 20530  
(202) 252-7201 // Erik.Kenerson@usdoj.gov  
  
KATHLEEN CAMPBELL (MD Bar No. 9812170031)  
JENNIFER BURKE (MD Bar No. 9706250061)  
Trial Attorneys, Counter Terrorism Section  
National Security Division  
950 Pennsylvania Avenue NW, Washington, D.C. 20530

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**Case No. 22-cr-392 (DLF)**

**GOVERNMENT'S SUPPLEMENTAL RESPONSE TO COURT ORDER REGARDING  
MOTION TO RECONSIDER**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this supplemental response to the Court's Minute Order of August 12, 2026, regarding the government's motion to reconsider, ECF 574. For the reasons that follow, in addition to those as stated in ECF 625, the Court should provisionally admit all records at issue.

The government maintains that all the documents at issue are admissible under 18 U.S.C. § 3505 and that the government has established good cause for the lack of a final certification as defined in Fed. R. Evid. 902(3) for the reasons previously stated. But should the Court disagree with that position, the records are separately self-authenticating under Rule 902(4), Fed. R. Crim. P. 27, and Fed. R. Civ. P. 44. According to Fed. R. Crim. P. 27, "A party may prove an official record, an entry in such a record, or the lack of a record or entry in the same manner as in a civil action." In turn, Fed. R. Civ. P. 44(a)(2)(A)(ii) provides that, among other ways, a foreign official record is admissible if that record "is attested by an authorized person and is accompanied either by a final certification of genuineness *or by a certification under a treaty or convention to which the United States and the country where the record is located are parties*" (emphasis added). The records at issue in this pleading came from Switzerland, the Czech Republic, and the United

Kingdom. The United States has mutual legal assistance treaties (“MLATs”) with all three of those countries, and as explained in further detail in ECF 625, all certifications at issue were received by the United States pursuant to those treaties. The documents are thus admissible under Fed. R. Crim. P. 27 and Fed. R. Civ. P. 44. They are also self-authenticating under Rule 902(4) (copy of an official record or document that was recorded or filed in a public office as authorized by law is self-authenticating if accompanied by, among other things, a certificate that complies with Rule 902(1), (2), or (3), a federal statute, *or a rule prescribed by the Supreme Court*) (emphasis added). The Federal Rules of both Criminal and Civil Procedure are prescribed by the Supreme Court, and thus the records are self-authenticating.

“The 1991 amendment [to Civil Rule 44] provided, in Rule 44(a)(2), that the final certification of genuineness by a diplomatic officer is unnecessary if the record and attestation are certified as provided in a treaty or convention to which the United States and the foreign country are parties.” Fed. Prac. & Proc., Wright & Miller, § 2435; *see also United States v. Pintato-Isiordia*, 448 F.3d 1155, 1157 (9th Cir. 2006) (“The Government was not required to submit a “final certification” under that Rule because the birth record and its attestation were certified by an Apostille in accordance with the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, to which both Mexico and the United States are parties”).<sup>1</sup> As described in ECF 625, all of the certifications described in that pleading were received pursuant to a MLAT between the United States and each the country in which the evidence at issue originated. That underlying evidence is thus self-authenticating under Rule 902(4)(B) even without a final certification or a showing of good cause for the lack of such certification.

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<sup>1</sup> The government here is not proceeding under the Hague Convention, but under its bilateral MLAT with each of the United Kingdom, Switzerland, and the Czech Republic.

Respectfully submitted,

JEANINE FERRIS PIRRO  
UNITED STATES ATTORNEY

By: /s/ Erik Kenerson  
ERIK M. KENERSON (OH Bar No. 82960)  
CONOR MULROE (NY Bar No. 5289640)  
BRITTANY KEIL (D.C. Bar No. 500054)  
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**ORDER**

This matter is before the Court upon the government's Motion for Leave to File Supplemental Response to Court Order Regarding Motion to Reconsider. For the reasons stated in that motion, the motion is GRANTED. The clerk's office shall docket the government's supplement filed at ECF \_\_\_\_.

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DABNEY L. FRIEDRICH  
UNITED STATES DISTRICT COURT JUDGE