UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. IMANI M. SMITH, Defendant.	Case No.: 5:26-po-00190-CDB ORDER DISCHARGING ORDER TO SHOW CAUSE (Doc. 5) ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS PURSUANT TO FED. R. CRIM. P. 48(a) (Doc. 7)

Defendant Imani M. Smith is charged by citation with violation of 18 U.S.C. § 795 – Photographing and Sketching Defense Installations. (Doc. 1). Defendant presented himself to the Court for initial appearance on October 6, 2026, during which he was advised of his rights, the charge contained in the citation, and the maximum statutory penalties. (Doc. 3).

Background

On October 7, 2026, the Court ordered the United States of America ("government") to show cause why the case should not be dismissed given the Court's preliminary assessment that the citation provided Defendant inadequate notice of the charged offense, in violation of Rule 7 and Rule 58 of the Federal Rules of Criminal Procedure, and in violation of the Fifth and Sixth Amendments to the U.S. Constitution. *See generally* (Doc. 5) (citing, *inter alia*, *United States v. Kurka*, 818 F.2d 1427, 1431 (9th Cir. 1987)). The Court observed in its order that the citation

lacked a statement of probable cause, appeared to be impermissibly duplicitous, and failed to adequately allege all elements of the offense or otherwise provide Defendant notice of essential facts supporting the charge. The order permitted the government to comply in the alternative by filing a motion to dismiss pursuant to Rule 48, Federal Rules of Criminal Procedure. *Id.* at 4.

On October 15, 2026, the government filed a motion to dismiss the case without prejudice pursuant to Fed. R. Crim. Rule 48. (Doc. 7).

Conclusion and Order

For the reasons set forth above:

It is HEREBY ORDERED that the Court's order to show cause (Doc. 5) is DISCHARGED.

It is FURTHER ORDERED that the motion of the United States of America to dismiss this action without prejudice, in the interest of justice (Doc. 7), is GRANTED.

And it is FURTHER ORDERED that Case No. 5:26-po-00190-CDB [Citation #E2090287, CA14] against Defendant Imani M. Smith, be dismissed, without prejudice.

IT IS SO ORDERED.

Dated: **October 15, 2026**

UNITED STATES MAGISTRATE JUDGE