

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

EDWARD ALEXANDER DANA,

Defendant.

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Case No. 1:25-mj-152-MAU

MOTION TO CLARIFY

The United States of America respectfully requests that this Court clarify the deadline for certain briefing in the above-captioned case.

At 12:30 p.m. today (September 4, 2025), the parties appeared for a scheduled preliminary hearing on the then-pending complaint. At the beginning of the hearing, the assigned Assistant United States Attorney (AUSA) moved orally to dismiss the complaint, representing on the record that the government had just recently elected to pursue charges against the defendant in D.C. Superior Court rather than in District Court. While ultimately granting the motion to dismiss, the Court ordered that the U.S. Attorney's Office file a memorandum that same day that would address certain questions raised by the Court related to the government's decision to dismiss the federal charge. The AUSA requested that this order be reduced to writing, to ensure that its full particulars would be accurately communicated to the Office and its leadership. Upon returning to the office, the AUSA also promptly ordered a transcript of the hearing, which has not yet been received.

At approximately 3:14 p.m., an Order was docketed that, among other things, identified five points for additional briefing. *See* ECF 16 at 1-2. The written Order did not include a deadline specific to these five points. The Order next invited briefing by September 8, 2025, regarding whether the dismissal should be with prejudice or without prejudice, and whether the defendant's arrest should be expunged. *See id.* At approximately 3:31 p.m., the AUSA emailed chambers, with

defense counsel copied, requesting clarification of the written order. As of the time of this filing, the U.S. Attorney's Office has not received a response.

In order to ensure our compliance with this Court's Order, the government respectfully requests clarification. Specifically, the government requests that the Order be amended to expressly provide for a single government pleading on September 8 that addresses all of the issues the Court raised — the five points enumerated on pages 1-2 of the Order and the questions of prejudice and expungement at page 2 of the Order. Because these issues are interrelated, we respectfully suggest that the government submit a single pleading to respond to the Court's inquiries. A September 8 deadline will also allow the U.S. Attorney's Office the benefit of reviewing the transcript to fully understand the questions the Court has presented. And since some of the Court's questions implicate the internal deliberations of the Executive Branch, the government requires additional time to consider and prepare its response.

For these reasons, the government requests that the Court clarify its Order, ECF 16, to require a single pleading be filed on September 8, 2025.

Respectfully submitted,

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