

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. CR 25-1801 JHR

KOMILJON TOIROV,

Defendant.

ORDER OF RELEASE

THIS MATTER came before the Court on June 18, 2025, for an appeal of the Release Order entered by the Honorable Jerry H. Ritter on May 29, 2025. The Court has reviewed the charging documents, release order, briefs from the parties, and Chief United States Magistrate Judge Gregory Wormuth's Order Dismissing Counts 2 and 3 of the Complaint filed in this case. Docs. 1, 4, 6, 9, 13, 14. The Court also reviewed the parties submission following Judge Wormuth's request for briefing in *In re Misdemeanor Charges Pursuant to 50 U.S.C. § 797 and 18 U.S.C. § 1382*, No. 2:25-mc-00019-GBW (D.N.M. May 13, 2025), Docs. 1, 4- 7. At the hearing, the Court heard from all the parties and is fully advised. The Court adopts Judge Wormuth's reasoning and conclusions of law in the Order Dismissing Charges in this case. Doc. 4. After considering all submissions and arguments, the Court

FINDS that the United States offered no information as to the history and characteristics of the Defendant or the nature and seriousness of the danger to any other person or the community that would be posed by the Defendant's release, pursuant to 18 U.S.C. §§ 3142(g)(3) and (4);

FINDS that the United States offered only cursory argument as to how the nature and circumstance of the offense support detention of the Defendant pending the resolution of the charges in this case, pursuant to 18 U.S.C. §§ 3142(g)(1);

FINDS unpersuasive the United States' argument that the willfulness requirement of 50 U.S.C. § 797 can be sufficiently shown by Defendant's simultaneous illegal entry into the United States in violation of 8 U.S.C. § 1325;

FINDS, pursuant to 18 U.S.C. §§ 3142(g)(1), the weight of the United States' evidence in this case is not strong and does not weigh in favor of detention, and

THEREFORE FINDS that Defendant can be released on his own recognizance.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'SMD', with a long horizontal flourish extending to the right.

SARAH M. DAVENPORT,
UNITED STATES DISTRICT JUDGE