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11 Attorneys for Plaintiff  
 12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,  
 16 Plaintiff,  
 17 v.  
 18 JONATHON REDONDO-ROSALES,  
 19 Defendant.

No. 2:25-CR-679-CV

NOTICE OF MOTION AND GOVERNMENT'S  
OPPOSED MOTION TO DISMISS  
INFORMATION WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF  
CRIMINAL PROCEDURE 48(A)

21 Pursuant to Rule 48(a) of the Federal Rules of Criminal  
 22 Procedure, plaintiff United States of America, by and through its  
 23 counsel of record, the First Assistant United States Attorney for the  
 24 Central District of California, Special Assistant United States  
 25 Attorney Robert K. Quealy, and Assistant United States Attorney Thi  
 26 H. Ho, hereby moves to dismiss without prejudice the information  
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28 <sup>1</sup> Authorized to practice pursuant to Local Rule 83-2.1.4.2.

1 against Jonathon Redondo-Rosales in the interests of justice, and  
2 therefore respectfully requests the Court grant its motion.

3 This motion is based upon the attached memorandum of points and  
4 authorities, the files and records in this case, and such further  
5 evidence and argument as the Court may permit.

6  
7 Dated: February 5, 2026

Respectfully submitted,

8 TODD BLANCHE  
9 Deputy Attorney General

10 BILAL A. ESSAYLI  
11 First Assistant United States  
12 Attorney

13 ALEXANDER B. SCHWAB  
14 Assistant United States Attorney  
15 Acting Chief, Criminal Division

16 /s/

17 \_\_\_\_\_  
18 ROBERT K. QUEALY  
19 Special Assistant United States  
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21 THI HOANG HO  
22 Assistant United States Attorney

23 Attorneys for Plaintiff  
24 UNITED STATES OF AMERICA  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The parties agree that the information filed in this case should  
4 be dismissed; however, defendant JONATHON REDONDO-ROSALES  
5 ("defendant") objects to dismissal of the information without  
6 prejudice. As explained below, dismissal with prejudice is an  
7 extreme remedy that is inappropriate in the instant circumstances.  
8 As such, the government's motion to dismiss the information without  
9 prejudice should be granted.

10 **II. STATEMENT OF RELEVANT PROCEDURAL HISTORY**

11 Defendant first appeared before a court in which the charge in  
12 this case was pending on August 5, 2025, and was detained. (Dkt. 16;  
13 Dkt. 20). The government filed the information in this case,  
14 charging defendant with Simple Assault of a Federal Officer in  
15 violation of 18 U.S.C. § 111(a), a Class A misdemeanor, on August 15,  
16 2025. (Dkt. 25). Defendant filed an application for reconsideration  
17 of detention on August 28, 2025, which was denied by United States  
18 Magistrate Judge Rozella A. Oliver. (Dkt. 29, Dkt. 30). Jury trial  
19 in this matter was originally set by the Court for October 7, 2025;  
20 however, at defendant's request and without government objection,  
21 trial was continued three times to October 21, 2025, then again to  
22 December 16, 2025, and finally to February 3, 2025. (Dkt. 37; Dkt.  
23 50; Dkt. 52).

24 On January 30, 2026, the Court continued trial in this matter to  
25 February 17, 2026. (Dkt. 88). Defendant continues to be detained  
26 pending trial. In addition to the pending matter, it is the  
27 government's understanding that the Superior Court of California,  
28

1 County of San Diego, has a pending arrest warrant for defendant for  
2 an alleged parole violation.

3 On February 4, counsel for defendant contacted the government in  
4 response to the government's proposed offer of diversion and  
5 expressed concerns that the government might seek dismissal without  
6 prejudice in order to refile the case after the current assigned  
7 attorneys for the government returned from leave. On February 5,  
8 2026, the government contacted counsel for defendant regarding the  
9 proposed motion to dismiss without prejudice. Counsel said that she  
10 continued to object to the government's motion to dismiss without  
11 prejudice.

### 12 **III. ARGUMENT**

13 Federal Rule of Criminal Procedure 48(a) provides that "[t]he  
14 government may, with leave of court, dismiss an indictment,  
15 information or complaint." Fed. R. Crim. P. 48(a). Any dismissal  
16 pursuant to Rule 48(a) is presumptively without prejudice. See  
17 United States v. Brown, 425 F.3d 681, 682 (9th Cir. 2005) ("Dismissal  
18 by the government is generally presumed to be without prejudice  
19 'unless a contrary intent is clearly expressed.'"). A district court  
20 is "duty bound" to grant the government's Rule 48(a) motion to  
21 dismiss without prejudice unless "it specifically determines that the  
22 government is operating in bad faith". United States v. Hayden, 860  
23 F.2d 1483, 1488 (9th Cir. 1988). Only where a Rule 48(a) motion for  
24 dismissal is "prompted by considerations clearly contrary to the  
25 public interest" or where there is a genuine concern that the  
26 defendant would be subjected to prosecutorial harassment through  
27 charging, dismissing, and recharging should a district court deny a  
28 Rule 48(a) motion. See United States v. Wallace, 848 F.2d 1464, 1468

1 (9th Cir. 1988); United States v. Mujahid, 491 F. App'x 859, 860 (9th  
2 Cir. 2012) (unpublished).

3 A court should dismiss an indictment or information with  
4 prejudice only under two narrow circumstances: (1) for a due process  
5 violation that is so grossly shocking and so outrageous as to violate  
6 the universal sense of justice or (2) under its supervisory powers to  
7 (a) remedy a constitutional or statutory violation, (b) protect  
8 judicial integrity by ensuring a conviction rests on appropriate  
9 considerations, or (c) to deter future illegal conduct. See United  
10 States v. Bundy, 968 F.3d 1019, 1030 (9th Cir. 2020). A dismissal  
11 with prejudice is reserved for only the most egregious violations  
12 because it implicates separation-of-powers issues. Id. at 1031; see  
13 also United States v. B.G.G., 53 F.4th 1353 (11th Cir. 2022)  
14 (emphasizing the limited circumstances in which a court can dismiss  
15 with prejudice).

16 The government believes that it is in the interest of justice to  
17 dismiss the information in this case so that the defendant can be  
18 remanded to the state of California for further proceedings on his  
19 alleged parole violation stemming from his 2023 felony conviction. As  
20 such, there is no need for the extreme remedy of dismissal with  
21 prejudice.

22 **IV. CONCLUSION**

23 For the foregoing reasons, the government respectfully requests  
24 that the Court grant its motion and dismiss the information without  
25 prejudice.

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