

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 26-mj-54

Plaintiff,

v.

**DEFENDANT’S MEMORANDUM
IN RESPONSE TO PLAINTIFF’S
MOTION TO DISMISS**

MADELINE TSCHIDA,

Defendant.

Defendant Madeline Tschida, through her undersigned counsel, respectfully responds to the Government’s motion to dismiss as follows: Ms. Tschida supports the motion to dismiss.

It is worth noting the facts and circumstances of this case, however.

On January 16, 2026, Ms. Tschida, a 24-year old, was exercising her First Amendment rights as a United States citizen, observing and protesting ICE harassment of members of her community, including fellow citizens exercising their First Amendment rights. She was **not** impeding federal law enforcement. Instead, because she was protesting their activity, ICE agents assaulted Ms. Tschida and others and then arrested and detained her, while refusing to explain any legal basis for their assault. *She was released the same day, without being charged.*

On January 22, 2026, Vice President J.D. Vance visited Minneapolis and referred to U.S. citizens exercising their First Amendment rights as “far-left agitators” who had harassed immigration agents. Tim Arango, et al., “*Vance Says There Is No Need for Troops*

in *Minneapolis ‘Right Now’*, NYTimes, Jan 22. 2026
(<https://www.nytimes.com/2026/01/22/us/minneapolis-ice-crackdown.html>).

One day later, on January 23, 2026, and a week after Ms. Tschida was assaulted by federal immigration enforcement officers, the Department of Justice charged Ms. Tschida and fifteen other individuals *by complaint*, alleging she assaulted a federal officer in violation of 18 USC § 111(a). The complaint was filed under seal, based on claims that “[p]remature disclosure of the information could jeopardize the ongoing investigation into the alleged criminal offenses *and potentially the privacy of individual [sic] who may ultimately not be indicted.*” (Dkt. 3 at ¶ 3(emphasis added.))

On January 27, 2026, Agents called Ms. Tschida and compelled her to appear in Court for an initial appearance before Magistrate Judge Foster the following day. On January 28, 2026, Ms Tschida appeared for her initial appearance, at which time she was booked, fingerprinted, and required to provide a DNA sample.

The same day as the initial appearance, *the Attorney General of the United States*, Pamela Bondi, made a posting on X, viewed by millions of people, referring to Ms. Tschida by name as a “rioter” who had resisted and impeded federal law enforcement agents:

Federal Agents have arrested 16 Minnesota rioters for allegedly assaulting federal law enforcement – people who have been resisting and impeding our federal law enforcement agents.

We expect more arrests to come.

I’ve said it before and I’ll say it again: nothing will stop President Trump and this Department of Justice from enforcing the Law.

These are the names of those arrested today under 18 U.S. Code § 111 (Assaulting, resisting, or impeding certain officers or employees)
Madeline Tschida.

On January 29, 2026, following the X post of his superior in Washington D.C., the U.S. Attorney Daniel Rosen issued a press release entitled “Sixteen Defendants Charged with Violently Assaulting Federal Officers and Property,” in which he named Ms. Tschida as someone charged with a violent assault. *See* www.justice.gov/usao-mn/pr/sixteen-defendants-charged-violently-assaulting-federal-officers-and-property. As part of the release announcing the federal criminal charges against Ms. Tschida, U.S. Attorney Daniel Rosen was quoted as saying, “We do not tolerate assaults on federal officers and those who commit that crime will be held accountable.” *Id.*

On February 2, 2026, attorneys for Ms. Tschida appeared in the case and requested a probable cause hearing, at which Ms. Tschida’s attorneys would have been able to cross-examine a Government witness regarding the allegations. The Court then scheduled the probable cause hearing for February 5.

The next day, on February 3, 2026, an Assistant U.S. Attorney filed an extraordinary document titled “Motion for Correction,” in which he disclosed that, although his signature appeared on a sealing motion for the complaint, in fact, he “has no knowledge of, or involvement with, this case.” (Dkt. 17.) No explanation has been provided as to how his name appeared without his authorization.

On February 4, 2026, the day before the probable cause hearing, the U.S. Attorney’s Office filed a misdemeanor information, which resulted in the cancellation of the probable cause hearing where the Government’s evidence would be presented. The filing of a

misdemeanor information was curious, to say the least, as it could have been filed on January 23, 2026, rather than the filing of a criminal complaint.

On February 18, 2026, Ms. Tschida was arraigned. Ms. Tschida pleaded not guilty, as she was in fact innocent of any criminal conduct relating to these events. Her counsel made clear that they sought an accelerated procedure and trial. The Court required the Government to file a Bill of Particulars to identify what conduct constituted criminal conduct, and to produce all discovery on or by February 20, 2026.

The next day, on February 19, the U.S. Attorney's Office filed this motion to dismiss, seeking to dismiss without prejudice. Counsel for Ms. Tschida acknowledge the correct and ethical decision by the Special Assistant U.S. Attorney who determined to dismiss the case.

Although counsel for Ms. Tschida wish to seek an order dismissing the matter with prejudice based on the facts and circumstances of this case, the undersigned counsel acknowledge the Eighth Circuit caselaw under which a dismissal without prejudice is the presumptive result of the Government's Rule 48(a) motion. *See DeMarrias v. United States*, 487 F.2d 19, 21 (8th Cir. 1973); *United States v. Oliver*, 950 F.3d 556, 562 (8th Cir. 2020).

Needless to say, however, Ms. Tschida agrees the criminal charges should be dismissed.

Dated: February 20, 2026

s/ Joseph T. Dixon

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