

No. 24A343

IN THE

SUPREME COURT OF THE UNITED STATES

SAAED MOSLEM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

In Re: SDNY District No. 19CR547 (CS) & 2nd Circuit Court of Appeals No. 22-2790

ON PETITION FOR EXTRAORDINARY WRIT

EMERGENCY MOTION FOR IMMEDIATE RELEASE

& DISMISSAL OF INDICTMENT DUE TO JUDICIAL FRAUD

Saaed Moslem #87068-054

Petitioner Pro Se

FCI Fort Dix

Po Box 2000 Joint Base MDL, NJ 08640-0902

October 2 , 2024

QUESTIONS PRESENTED

- 1) Whether prosecutorial misconduct in misrepresenting material facts to a grand jury to circumvent the statute of limitations warrants dismissal of an indictment with prejudice?
- 2) Whether a district court judge's deliberate concealment of prosecutorial misconduct and misrepresentation of grand jury proceedings constitutes fraud on the court requiring vacatur of conviction and immediate release?
- 3) Whether this Court should exercise its supervisory authority to address systemic judicial misconduct that has deprived a defendant of fundamental constitutional rights and undermined the integrity of the judicial process?

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EMERGENCY MOTION FOR IMMEDIATE RELEASE & DISMISSAL OF
INDICTMENT DUE TO JUDICIAL FRAUD

To the Honorable Chief Justice of the Supreme Court of the United States,
Petitioner Saaed Moslem respectfully move this Court for emergency relief in the form of immediate release from unlawful imprisonment and dismissal of indictment with prejudice due to egregious judicial fraud by Judge Cathy Seibel of the Southern District of New York. This extraordinary remedy is warranted due to Judge Seibel's pattern of fraudulent conduct and misleading statements designed to conceal prosecutorial misconduct and deprive Petitioners of their constitutional rights. Pursuant to 28 U.S.C. § 1746, I, Saaed Moslem, declare under penalty of perjury that the foregoing is true and correct.

Background

Mehdi and Saaed Moslem were indicted on July 30, 2019 (USA vs Moslem 19CR547) on charges of tax fraud and bank fraud conspiracy. Saaed Moslem has been imprisoned for over 3.5 years, on a 8 year sentence , due to this indictment. However, the indictment was obtained through material misrepresentations to the grand jury, and the charges were time-barred at the time of indictment. Subsequent judicial rulings by Judge Seibel have compounded these constitutional violations through fraud on the court and obstruction of justice.

Argument

Judge Cathy Seibel actively concealed gross prosecutorial misconduct that occurred before the grand jury, in violation of Petitioner's due process rights and the integrity of the judicial system.

Specifically, the government misrepresented to the grand jury that Stephen Strauhs was a co-conspirator for the entire duration of the alleged conspiracy from 2009-2016, when in fact Strauhs became a government cooperator in 2012. (ECF #2)

This misrepresentation was material and prejudicial, as an informant cannot legally be a co-conspirator. See *United States v. Vazquez*, 113 F.3d 383, 387 (2d Cir. 1997) ("It is hornbook law that when a person acts as a government agent he 'cannot be a conspirator because he is not in agreement to commit a crime.'"); *United States v. Barger*, 931 F.2d 359, 362 (6th Cir. 1991) ("[G]overnment agents and informants cannot be conspirators.").

The government's failure to Inform the grand jury of Strauhs' change in status in 2012 amounts to "a knowing or reckless misleading of the grand jury as to an essential fact." *United States v. Lombardozzi*, 491 F.3d 61, 79 (2d Cir. 2007).

This misconduct before the grand jury requires dismissal of the indictment. See *United States v. Williams*, 504 U.S. 36, 46 (1992) (dismissal warranted for prosecutorial misconduct that "substantially influenced the grand jury's decision to indict" or if there is "grave doubt" that the decision to indict was free from such influence); *Bank of Nova Scotia v. United States*, 487 U.S. 250, 256 (1988)

(dismissal appropriate for misconduct that “substantially influenced the grand jury’s decision to indict”).

Judge Cathy Seibel was made aware of this misconduct through Petitioner’s § 2255 motion, (ECF # 266) yet failed to address it and actively concealed it in her denial order. (ECF # 344) This amounts to judicial fraud.

“Fraud upon the court” occurs where it is established by clear and convincing evidence “that the party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system’s ability impartially to adjudicate a matter.” *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989); see also *Herring v. United States*, 424 F.3d 384, 386-87 (3d Cir. 2005) (defining fraud on the court as “egregious misconduct ... such as bribery of a judge or jury or fabrication of evidence by counsel”).

The concealment of prosecutorial misconduct that undermines the very basis for the indictment constitutes such an unconscionable scheme interfering with the fair administration of justice. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245-46 (1944) (finding fraud on the court where attorneys participated in scheme to manufacture evidence).

The judge’s actions In concealing this misconduct, rather than addressing it, constitute “egregious misconduct” that rises to the level of fraud on the court. See *Demjanjuk v. Petrovsky*, 10 F.3d 338, 348 (6th Cir. 1993) (finding fraud on the court where government attorneys failed to disclose exculpatory evidence).

This Court has authority to order immediate release in extraordinary circumstances involving a miscarriage of justice. See *Schlup v. Delo*, 513 U.S. 298, 321 (1995) (“[H]abeas corpus is, at Its core, an equitable remedy.”); *Sanders v. United States*, 373 U.S. 1, 8 (1963) (habeas corpus “is essentially a remedy for unlawful detention”).

Given the fundamental unfairness of Petitioner’s continued detention based on an indictment procured through prosecutorial misconduct and judicial fraud in concealing that misconduct, immediate release is warranted pending full review of these issues.

Petitioners faces irreparable harm through continued unlawful detention if not immediately released. See *In re Shuttlesworth*, 369 U.S. 35 (1962) (granting bail pending appeal where petitioner faced irreparable injury from continued imprisonment).

The public Interest favors release to prevent ongoing violations of constitutional rights. See *United States v. Salerno*, 481 U.S. 739, 755 (1987) (“In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”).

A. Material Misrepresentations to the Grand Jury

The prosecutors deliberately misled the July 2019 grand jury regarding key cooperating witness Stephen Strauhs in order to circumvent the statute of limitations. Specifically:

This misrepresentation was critical to obtaining an indictment on charges that were time-barred as of October 2017 (5 years after Strauhs began cooperating).

The indictment was not filed until July 2019, nearly 2 years after the statute of limitations had expired.

B. The Statute of Limitations Bars This Prosecution

The statute of limitations issue is perhaps the most egregious aspect of the misconduct in this case, as it completely undermines the legal basis for the prosecution. The facts show:

Judge Cathy Seibel's denial of the §2255 motion demonstrates a deliberate attempt to circumvent critical issues regarding the admissibility of evidence and the viability of the conspiracy charges. This judicial misconduct has perpetuated a grave miscarriage of justice:

Judge Seibel erroneously stated that "the grand jury minutes show that the grand jury was informed that Strauhs began cooperating in October 2012". This statement is demonstrably false, as the original July 2019 indictment clearly alleges Strauhs' involvement in the conspiracy through 2016. (ECF # 2) By mischaracterizing the grand jury proceedings, Judge Seibel attempted to obscure the prosecutorial misconduct that formed the basis of the indictment.

Judge Seibel deliberately ignored the critical statute of limitations issue. With Strauhs' cooperation beginning in 2012, the 5-year statute of limitations for most charges would have expired in 2017, two years before the July 2019 indictment. Judge

Seibel's failure to address this issue pretrial, trial, and post trial, allowed the prosecution to rely on time-barred evidence and charges.

By overlooking the timeline discrepancy, Judge Seibel effectively sanctioned the use of inadmissible evidence. Any actions or statements by Strauhs post-2012 should have been excluded as evidence of the conspiracy, as he was acting as a government informant. This would have eliminated a substantial portion of the prosecution's case. Without Strauhs as an active co-conspirator post-2012, the entire basis for the extended conspiracy charges from 2012-2016 collapses. Judge Seibel's denial failed to acknowledge that this would leave insufficient evidence to support the broad conspiracy charges alleged in the indictment.

C. Statute of Limitations Bar on Key Evidence

The prosecution's case relies heavily on evidence that should be barred by the 5-year statute of limitations, given that the original indictment was not filed until July 30, 2019. This statute of limitations issue fundamentally undermines the legal basis for much of the prosecution and renders key evidence inadmissible:

Tax Fraud Conspiracy (Count One):

Alleged to have occurred from 2009-2016

All conduct before July 30, 2014 would be time-barred

This excludes the majority of the alleged tax fraud scheme, including,

- 1) The 2009-2013 tax returns prepared by Strauhs

- 2) Alleged false statements to the tax preparer from 2009-2013
- 3) Underreporting of income on 2009-2013 tax returns

Bank Fraud Conspiracy (Count Two):

Alleged to have occurred from 2010-2017

All conduct before July 30, 2014 would be time-barred

This excludes several key alleged fraudulent loan applications, including:

- 1) April 2011 Hudson Valley Federal Credit Union application
- 2) June-December 2011 Riverside Bank application
- 3) July-August 2012 Walden Bank line of credit application

False Statements to Lenders (Counts Three and Four):

Count Three alleges conduct from July 2010 – entirely time-barred

Count Four alleges conduct from Sept-Dec 2013 – entirely time-barred

Overt Acts:

The majority of alleged overt acts in furtherance of the conspiracy occurred before July 30, 2014 and would be time-barred, including:

- 1) Preparation and filing of false tax returns for 2009-2013
- 2) Fraudulent loan applications from 2010-2013

Inadmissibility of Evidence: Evidence related to time-barred conduct should not have been admissible as direct evidence of the charged crimes. Its admission prejudiced the jury and tainted the entire proceedings.

Insufficient Evidence: Once the time-barred evidence is excluded, there is insufficient admissible evidence to support the convictions, particularly for the conspiracy charges.

The defendants were deprived of due process by being forced to defend against charges based largely on time-barred conduct. Trial counsel's failure to raise this critical statute of limitations defense constitutes ineffective assistance that prejudiced the defendants' case.

The statute of limitations is a fundamental safeguard of due process, designed to protect individuals from having to defend against charges when evidence may have been lost or memories faded. By allowing the prosecution to rely so heavily on time-barred conduct, the lower courts have undermined this essential protection. This Court's intervention is necessary to reaffirm the importance of statutes of limitation in our criminal justice system and to prevent a grave miscarriage of justice in this case.

By allegedly misrepresenting that Strauhs was a co-conspirator through 2016, when he actually began cooperating in 2012, the prosecutors improperly extended the timeline of the conspiracy beyond the 5-year statute of limitations. Much of the

evidence from 2009-2014 would be barred because the conspiracy actually ended in 2012 when Strauhs began cooperating.

Evidence related to Strauhs' actions after 2012 would not be admissible as co-conspirator statements or actions because he was actually a government cooperator at that time. This significantly limit what evidence from 2012-2016 could be used against the Moslems.

By portraying Strauhs as an active co-conspirator through 2016, the prosecutors likely painted a picture of a much broader and longer-running conspiracy than may have actually existed. This improperly influenced the grand jury to indict on more serious charges.

If the prosecutors had accurately disclosed Strauhs' cooperation status, it raised questions for the grand jury about the government's evidence and theory of the case, potentially leading to a more limited indictment or no indictment at all.

If the prosecutors had told the truth about Strauhs' cooperation starting in 2012, the key differences would have been:

- 1) A more limited timeline for the alleged conspiracy (2009-2012 instead of 2009-2016).
- 2) Exclusion of evidence related to Strauhs' actions post-2012 as direct evidence against the Moslems.
- 3) Statute of limitations bar for many of the alleged criminal acts.

- 4) A more skeptical view from the grand jury about the extent and nature of the alleged conspiracy.
- 5) Possible failure to indict on some or all charges due to statute of limitations issues or lack of admissible evidence within the proper timeframe.

In summary, the egregious misconduct allowed prosecutors to present a more expansive case to the grand jury than would have been possible if they had accurately disclosed Strauhs' cooperation status. This significantly impacted both the indictment and the evidence ultimately admissible at trial.

The court's actions effectively allowed a constructive amendment of the indictment. By permitting the use of evidence and allegations spanning from 2009-2016, when the legally viable conspiracy would have ended in 2012, the court allowed the prosecution to present a fundamentally different case than what could be legally charged.

Judge Seibel's deliberate circumvention of these critical issues has allowed a prosecution built on inadmissible evidence and time-barred charges to proceed. This judicial misconduct has deprived the petitioners of due process and a fair adjudication of their claims. The conspiracy charges, stripped of the inadmissible and time-barred evidence, would have collapsed due to insufficient evidence.

This Court's intervention is necessary to address this egregious miscarriage of justice and to reaffirm the importance of judicial integrity in safeguarding defendants' constitutional rights.

The Supreme Court has held that “criminal limitations statutes are ‘to be liberally interpreted in favor of repose’” (*Toussie v. United States*, 397 U.S. 112, 115 (1970)). By misrepresenting Strauhs’ status to the grand jury, the prosecutors deliberately subverted this principle and violated the Moslems’ due process rights.

The Second Circuit has recognized that “when a prosecutor obtains an indictment by misleading the grand jury as to an essential fact, the proper remedy is dismissal of the indictment” (*United States v. Bari*, 750 F.2d 1169, 1176 (2d Cir. 1984)). Here, Strauhs’ cooperation status was essential to the statute of limitations issue, which is a fundamental bar to prosecution.

Judge Seibel’s subsequent attempts to obscure this issue by conflating different grand juries compounds the violation. The fact that a later grand jury in 2021 was informed of Strauhs’ true status does not cure the defect in the original time-barred indictment.

This statute of limitations violation alone is sufficient grounds to dismiss the indictment with prejudice. The government’s entire case collapses once the proper timeline is established, revealing that the prosecution was unlawfully initiated years after the limitations period had expired.

D. Judge Seibel’s Fraudulent Concealment of Prosecutorial Misconduct

When Petitioners raised this issue in their § 2255 motion, Judge Seibel made several fraudulent statements to conceal the prosecutorial misconduct:

She claimed that “the Government has provided grand jury minutes (ECF # 290-1), that show, unequivocally, that the grand jury was informed that Strauhs began cooperating with the government in October 2012.” (ECF # 344 at 10)

However, the grand jury minutes provided were from March 2021, not from the original July 2019 grand jury that issued the indictment.

Judge Seibel attempted to obscure this critical fact by stating in a footnote that “The transcript is dated March 22, 2021, the date the first superseding indictment was returned, and reflects that the testimony was before a grand jury empaneled in Nov. 19. The court presumes that the same grand jury voted the second superseding indictment, which was returned on April 6, 2021, and which was the indictment on which petitioners were tried.” (ECF # 344 at 11 n.8)

This statement deliberately ignores that the original indictment was issued in July 2019, not November 2019, and attempts to conflate different grand juries to conceal the original misconduct.

E. Conclusive Evidence of Different Grand Juries

When Petitioners filed a motion to dismiss on June 24, 2024 (ECF # 382) pointing out that different grand jury forepersons signed the indictments, conclusively demonstrating they were different grand juries, Judge Seibel made the implausible claim that “The different foreperson for the Grand Jury does not necessarily show that the original indictment was presented to a different Grand Jury.” (ECF # 383)

This statement is a clear misrepresentation of fact, as the different foreperson signatures provide irrefutable evidence that different grand juries were involved:

The original July 30, 2019 indictment was signed by foreperson Leonie S.B.(ECF#2)

The March 22, 2021 superseding indictment was signed by foreperson J.R.(ECF #71)

The April 6,2021 superseding indictment was also signed by foreperson J.R.
(ECF#84)

F. Misuse of Case Law to Conceal Misconduct

In her ruling denying the § 2255 motion (ECF # 344), Judge Seibel cited several cases that are inapposite to the situation here:

United States v. Mechanik, 475 U.S. 66 (1986) – This case held that certain procedural errors before a grand jury can be rendered harmless by a subsequent guilty verdict at trial. However, the misconduct here involves substantive misrepresentations to circumvent the statute of limitations, not mere procedural errors. Mechanik is therefore inapplicable.

United States v. Dewar, 375 F. App'x 90 (2d Cir. 2010) – This unpublished summary order dealt with jury instructions at trial, not grand jury proceedings. It has no bearing on prosecutorial misconduct before a grand jury.

United States v. Delgado, 672 F.3d 320 (5th Cir. 2012) – Another case dealing with trial jury instructions rather than grand jury proceedings. It does not address the type of prosecutorial misconduct at issue here.

These cases do not support Judge Seibel's rulings and appear to be cited in an attempt to obscure the serious constitutional violations that have occurred.

Judge Seibel's reliance on *United States v. Miranda-Ortiz*, 926 F.2d 172, 175 (2d Cir. 1991) to argue that the withdrawal of one co-conspirator does not terminate a conspiracy when at least two other co-conspirators remain is fundamentally flawed in this case. This misapplication of case law serves to obscure the critical issues surrounding the prosecutors' misrepresentations to the grand jury and the statute of limitations problem.

I. Strauhs' Unique Role as a CPA

Unlike a typical drug conspiracy case where one dealer can be easily replaced by another, Strauhs was a licensed CPA with specialized skills central to the alleged tax fraud scheme. His role was not easily replaceable. Strauhs was not just any co-conspirator, but the central figure who allegedly enabled the entire scheme through his professional expertise and position as the Moslems' accountant.

II. Nature of the Alleged Conspiracy

The tax and bank fraud conspiracies alleged here is fundamentally different from a drug conspiracy. It relied on Strauhs' specific skills and professional status as a CPA. When Strauhs began cooperating in 2012, it fundamentally altered the nature and viability of the alleged conspiracy in a way that simply removing one drug dealer from a network would not.

III. Statute of Limitations Implications

By misrepresenting Strauhs' continued involvement past 2012, the prosecutors were able to argue for a conspiracy timeframe that extended beyond the statute of limitations. This is a critical distinction that Judge Seibel's reliance on Miranda-Ortiz fails to address.

IV. Mischaracterization of the Issue

Judge Seibel's statement that "Petitioners provide no explanation for why Strauhs' cooperation somehow made it impossible for them to continue to conspire with each other" misses the point. The issue is not whether the Moslems could theoretically continue some form of conspiracy, but whether the specific conspiracy alleged in the indictment could continue without Strauhs' integral involvement as their CPA.

By relying on inapposite case law and failing to address the unique aspects of Strauhs' role, Judge Seibel appears to be attempting to obscure the critical issue of how the prosecutors misrepresented the timeline and nature of the alleged conspiracy to the grand jury. This misapplication of case law serves to conceal the underlying prosecutorial misconduct regarding the statute of limitations issue and further demonstrates the need for dismissal of the indictment.

G. Obstruction of Petitioners' Efforts to Obtain Relief

Judge Seibel took several actions that improperly interfered with Petitioners' ability to seek relief through their § 2255 motion:

She delayed docketing the motion for 45 days, claiming issues with electronic signatures despite having accepted similar filings previously.

She repeatedly advised Petitioners to consult with appellate counsel before filing, in an attempt to dissuade them from proceeding.

She engaged in improper ex parte communications with appellate counsel (Celeste Koleveld) about the § 2255 motion before it was even filed, telling counsel she would deny it as frivolous.

She made misleading statements about which grand juries were involved to obscure issues with the original indictment.

Refusal to Address Key Issues: Judge Seibel has consistently refused to address the central issue of whether the original July 2019 grand jury was properly informed about Strauhs' cooperation status, instead focusing on irrelevant later grand juries.

Improper Reliance on "Overwhelming Evidence": Judge Seibel has repeatedly cited "overwhelming evidence of guilt" to dismiss concerns about the grand jury process, ignoring that such evidence is irrelevant to whether the indictment was properly obtained.

Judge Seibel made false and fraudulent statements about the evidence presented at trial to justify denying relief. Judge Seibel specifically stated " Petitioners provide no explanation for why Strauhs' cooperation somehow made it impossible for them to continue to Conspire with each other – as the evidence overwhelmingly showed that they did." Judge Seibel knowingly makes recklessly false statement with no support from the record. There is zero evidence that Saaed and Mehdi ever conspired together. There are zero emails, there are zero recordings, there are zero text messages,

between just Mehdi, and Saaed. The central figure and role in this fabricated conspiracy is Strauhs, Every single piece of evidence, over the 10 year long investigation is created by Strauhs. There is not one piece of evidence that consists of just Mehdi and Saaed.

Furthermore, as Judge Seibel is well aware, the evidence was inadmissible as direct evidence to conviction, as it falls outside the statute of limitations, and the prosecutors lied to the grand jury to secure a unconstitutional indictment, and subsequent conviction .

This pattern of conduct demonstrates Judge Seibel's active participation in concealing prosecutorial misconduct, violating her duty as a neutral arbiter and undermining the integrity of the judicial process. The Supreme Court has emphasized that "the court must be zealous in protecting the rights of an accused" (*Glasser v. United States*, 315 U.S. 60, 71 (1942)). Judge Seibel's actions have instead served to protect prosecutorial misconduct at the expense of the defendants' constitutional rights.

This judicial misconduct, combined with the underlying prosecutorial fraud, has rendered these proceedings fundamentally unfair and warrants this Court's immediate intervention to prevent a grave miscarriage of justice.

H. Judge Seibel's Prior Knowledge of Strauhs' Cooperation

The transcript from Stephen Strauhs' plea hearing on July 16, 2019 (*USA v. Strauhs*, 19-cr-517) provides irrefutable evidence that Judge Cathy Seibel was fully aware of

Strauhs' cooperation status and the potential statute of limitations issues just two weeks before the Moslems were indicted. This knowledge renders her subsequent actions in presiding over the Moslems' case and concealing the prosecutorial misconduct even more egregious.

Judge Seibel presided over Strauhs' plea hearing on July 16, 2019, just two weeks before the July 30, 2019 indictment of the Moslems.

During this hearing, Judge Seibel specifically addressed the statute of limitations issue with Strauhs, stating:

"Do you understand, Mr. Strauhs, that under the plea agreement, you're giving up your right to assert a defense that the government waited too long to bring these charges?"

Strauhs confirmed his understanding, and Judge Seibel further inquired:

"And did you discuss that decision with Mr. Burke?"

"And has he given you his advice on that subject?"

"And have you determined that it's in your best interest to give up your right to assert any defense based on the passage of time?"

Judge Seibel then concluded:

"I find the defendant has knowingly and voluntarily waived the statute of limitations."

This exchange demonstrates Judge Seibel was acutely aware of potential statute of limitations issues related to Strauhs' case.

She knew that Strauhs was waiving his right to assert a statute of limitations defense, implying that such a defense could have been viable.

This knowledge came just two weeks before the Moslems were indicted in a related case, where Strauhs' cooperation status was central to the timeline of the alleged conspiracy.

Given this clear evidence of Judge Seibel's prior knowledge, her subsequent actions in the Moslems' case constitute a deliberate and fraudulent concealment of critical information:

She allowed the prosecution to present a case based on an alleged conspiracy continuing through 2016, despite knowing that Strauhs had waived statute of limitations defenses in 2019 for conduct dating back to at least 2012.

She failed to address the statute of limitations issue at any point during the Moslems' proceedings, despite her direct knowledge of Strauhs' cooperation timeline.

When the issue was raised in post-conviction motions, she actively misrepresented facts and conflated different grand juries to conceal the prosecutorial misconduct.

This pattern of behavior goes beyond mere oversight or error. Judge Seibel's actions demonstrate a deliberate effort to conceal material misrepresentations made to the grand jury, misrepresentations she knew or should have known about based on her involvement in Strauhs' case just two weeks prior to the Moslems' indictment.

The Supreme Court has held that a judge's failure to recuse themselves when they have knowledge of disputed evidentiary facts can constitute a due process violation.

Liteky v. United States, 510 U.S. 540, 558 (1994). Here, Judge Seibel's failure to

address the statute of limitations issue, given her direct knowledge from Strauhs' case, rises to the level of such a violation.

Furthermore, the Court has recognized that "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 14 (1954). Judge Seibel's actions in presiding over a case she knew was based on misrepresentations to the grand jury thoroughly undermines this principle.

This clear evidence of Judge Seibel's knowledge and subsequent concealment of prosecutorial misconduct further demonstrates the need for this Court's immediate intervention to address this grave miscarriage of justice.

I. Failure to Address Judicial Complaint

On July 2, 2024, Petitioners filed an official judicial complaint against Judge Seibel pursuant to 28 U.S.C. § 351, to the Second Circuit Court of Appeals. To date, there has not even been an acknowledgment of receipt of this complaint, further demonstrating the systemic nature of the misconduct and the need for intervention by this Court.

J. Exhaustion of Remedies and Need for Supreme Court Intervention

The egregious misconduct and fraud perpetrated by Judge Cathy Seibel of the Southern District of New York have left Petitioner Saaed Moslem with no recourse but to seek extraordinary relief from this Court. The district court, under Judge Seibel's direction, is fraudulently maintaining an unconstitutional conviction, while the Second Circuit Court of Appeals has failed to even acknowledge the judicial complaint filed under 28 U.S.C. § 351.

K. Exhaustion of Lower Court Remedies

Petitioner has diligently pursued all available avenues for relief at the district and circuit court levels:

2. Filed a § 2255 motion highlighting prosecutorial misconduct and ineffective assistance of counsel.
3. Submitted a motion to dismiss based on different grand jury foreperson signature, and statute of limitations violations
4. Lodged a formal judicial complaint against Judge Seibel with the Second Circuit court of appeals.

Despite these efforts, Petitioner has been met with further obfuscation, misrepresentation, and inaction from the lower courts.

L. Failure of Oversight Mechanisms

The Second Circuit's failure to acknowledge or act upon the judicial complaint filed over 3 months ago demonstrates a breakdown in the established mechanisms for addressing judicial misconduct. This inaction effectively shields Judge Seibel's fraudulent behavior from scrutiny and denies Petitioner any meaningful opportunity for redress.

M. Necessity of Supreme Court Intervention:

Given the systemic failure of lower courts to address these grave constitutional violations, this Court's intervention is not only warranted but necessary to:

- i. Expose the pattern of judicial fraud and misconduct perpetrated by Judge Seibel
- ii. Rectify the fundamental miscarriage of justice resulting from an indictment procured through prosecutorial misconduct

N. Reaffirm the importance of judicial integrity and the proper administration of justice

The extraordinary nature of Judge Seibel's actions, including deliberate misrepresentation of grand jury proceedings and obstruction of Petitioner's efforts to seek relief, calls for an equally extraordinary response from this Court. Only through the Supreme Court's intervention can the extent of this misconduct be fully exposed and remedied.

Petitioner Saaed Moslem has exhausted all conventional remedies and now turns to this Court as the last bastion of justice to address these egregious violations of constitutional rights and the integrity of the judicial system itself.

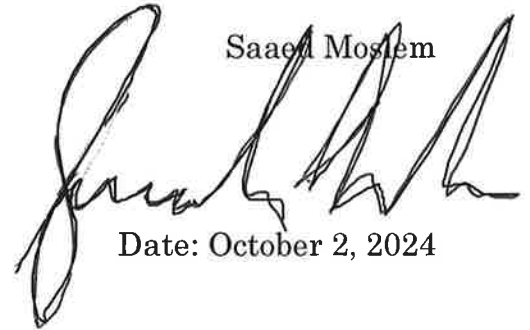
Conclusion

The cumulative impact of Judge Seibel's fraudulent statements, misrepresentations of fact and law, and improper actions to obstruct Petitioners' efforts to obtain relief has rendered these proceedings fundamentally unfair and violated Petitioners' constitutional rights. The only appropriate remedy is immediate release from custody, and dismissal of this fundamentally flawed indictment. Pursuant to 28 U.S.C. § 1746, I, Saaed Moslem, declare under penalty of perjury that the foregoing

is true and correct. WHEREFORE, Saaed Moslem respectfully request that this Court order immediate release from custody and grant any other relief it deems just and proper.

Respectfully submitted,

Saaed Moslem

A handwritten signature in black ink, appearing to read 'Saaed Moslem', written in a cursive style.

Date: October 2, 2024

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Re: SDNY District No. 19CR547(CS) & 2nd Circuit Court of Appeals No. 22-2740

Saaed Moslem — PETITIONER
(Your Name)

VS.

United States of America — RESPONDENT(S)

PROOF OF SERVICE

I, Saaed Moslem, do swear or declare that on this date, October 2nd, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

<u>Nicholas Sutherland Bradley</u>	<u>Cathy Seibel</u>	<u>Debra Ann Livingston</u>
<u>1 Saint Andrews Plaza</u>	<u>300 Quarropas St</u>	<u>40 Foley Square</u>
<u>New York, Ny 10007</u>	<u>White Plains, Ny 10601</u>	<u>New York, Ny 10007</u>
<u>Nicholas.Bradley2@usdoj.gov</u>	<u>Chambers.nyscl.seibel@nysd.uscourts.gov</u>	<u>Prosecases@ca2.uscourts.gov</u>

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 2nd, 2024

Laura Taylor Swain
300 Quarropas St
White Plains, Ny 10601
swain.nyscl.corresp@nysd.uscourts.gov

[Signature]
(Signature)

