

FEDERAL PUBLIC DEFENDER'S OFFICE
WESTERN DISTRICT OF NEW YORK

MARIANNE MARIANO
FEDERAL PUBLIC DEFENDER
marianne_mariano@fd.org

300 PEARL STREET, SUITE 200
BUFFALO, NEW YORK 14202

716-551-3341
FAX: 716-551-3346

MARTIN J. VOGELBAUM
ASSISTANT FEDERAL PUBLIC DEFENDER
martin_vogelbaum@fd.org

ROCHESTER OFFICE
28 EAST MAIN STREET
FIRST FEDERAL PLAZA, SUITE 400
ROCHESTER, NEW YORK 14614
585-263-6201
585-263-5871-FAX

REPLY TO: BUFFALO

November 19, 2024

The Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

**RE: Application to Recall and Stay Mandate Addressed to Circuit Justice
Sotomayor, 24A483**

Dear Clerk Harris:

It has come to the attention of the undersigned that, on November 1, 2024, the district court entered an order dismissing the criminal complaint against Mr. Boima without prejudice (please see attached order). Accordingly, by this letter the undersigned is withdrawing Mr. Boima's application to recall and stay the Second Circuit's mandate as moot.

Very truly yours,

/s/ Martin J. Vogelbaum
Martin J. Vogelbaum
Assistant Federal Public Defender

Cc: Elizabeth Prelogar, Solicitor General (via U.S. mail)
Sean Eldridge, Assistant United States Attorney (via email)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

20-MJ-4136

SAMUEL BOIMA,

Defendant.

ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed hereon, the United States Attorney for the Western District of New York hereby dismisses without prejudice the above-numbered Complaint as against defendant Samuel Boima.

DATED: Rochester, New York, October 27, 2024.

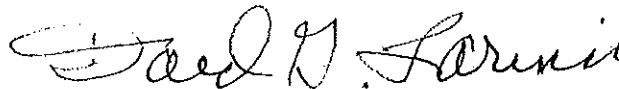
By:


THOMAS E. ROSS
United States Attorney

CHARLES E. MOYNIHAN
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
500 Federal Building
100 State Street
Rochester, New York 14614
(585) 263-6760, ext. 23971
Charles.Moynihan@usdoj.gov

Leave of Court is granted for the filing of the foregoing dismissal.

IT IS SO ORDERED.



HONORABLE DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

DATED: November 1, 2024