

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO. 6:16-cr-3-JA-DAB

**HAMID MOHAMED AHMED ALI
REHAIF**

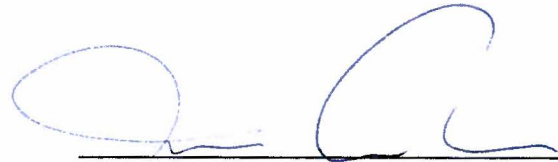
ORDER

This case is before the Court on the Defendant's motions to dismiss the indictment on speedy-trial grounds (Docs. 153 & 173), the Government's response (Doc. 158), and the Defendant's reply (Doc. 179). The parties also presented oral argument on the motions at a March 13, 2024 evidentiary hearing. (*See* Doc. 177). Upon consideration of the parties' submissions, and with the benefit of oral argument, the Court finds that the motions will be denied without prejudice under the constructive flight theory of the fugitive disentitlement doctrine. *See United States v. Shalhoub*, 855 F.3d 1255, 1258–59, 1263 (11th Cir. 2017) (third alteration in original) (quoting *United States v. Barnette*, 129 F.3d 1179, 1184 (11th Cir. 1997)) (finding no clear abuse of discretion when the defendant “moved to allow his counsel to appear specially and seek dismissal of the indictment” on speedy-trial and other grounds and the district court denied the motion without prejudice “because, although [the

defendant] was living abroad when indicted, [he] ‘constructively fle[d] by not deciding to return’ to the United States”).

In his reply, the Defendant attempts to distinguish *Shalhoub*, arguing that unlike the defendant in that case, he “never tried to flee or to absent himself from the jurisdiction of the district court” for “the original trial proceedings.” (Doc. 179 at 6). However, under *Shalhoub*, he is constructively fleeing from the current proceedings by not submitting himself to this Court’s jurisdiction. See 855 F.3d at 1263. Accordingly, it is **ORDERED** that the Defendant’s motions to dismiss (Docs. 153 & 173) are **DENIED without prejudice** and with leave to refile once he is properly within this Court’s jurisdiction.

DONE and **ORDERED** in Orlando, Florida, on April 12th, 2024.



JOHN ANTOON II
United States District Judge

Copies furnished to:
United States Marshal
United States Attorney
United States Probation Office
United States Pretrial Services Office
Counsel for Defendant
Hamid Mohamed Ahmed Ali Rehaif