

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAN CAREY,

Defendant,

Criminal Action No. 25-cr-251 (JEB)

UNITED STATES' MOTION TO DISMISS

The United States of America, by and through its undersigned attorneys, hereby respectfully moves this Court for an order to dismiss with prejudice the Information filed in this matter against the Defendant pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

Pursuant to Rule 48(a), “[t]he government may, with leave of court, dismiss an indictment” or individual charges within an indictment. Fed. R. Crim. P. 48(a); *see also United States v. Poindexter*, 719 F. Supp. 6 (D.D.C. 1989). The discretion accorded the DOJ under Rule 48(a) recognizes that “decisions to dismiss pending charges ... lie squarely within the ken of prosecutorial discretion” and “‘at the core of the Executive’s duty to see to the faithful execution of the laws.’” *United States v. Fokker Servs. B.V.*, 818 F.3d 733, 741 (D.C. Cir. 2016) (citation omitted); *see also United States v. Nixon*, 418 U.S. 683, 693 (1974) (“[T]he Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case.”). “[T]he Supreme Court has declined to construe Rule 48(a)’s ‘leave of court’ requirement to confer any substantial role for courts in the determination whether to dismiss charges.” *Fokker Servs. B.V.*, 818 F.3d at 742.

The principal object of the “leave of court” requirement has been understood to protect a defendant against prosecutorial harassment when the government moves to dismiss an indictment over the defendant’s objection. *Id.* (quoting *Rinaldi v. United States*, 434 U.S. 22, 29 n. 15 (1977)).

Here, the government is moving for dismissal with prejudice. Thus, there is no risk of any implication of harassment stemming from the dismissal of these counts.

Dated: March 13, 2026

Respectfully submitted,

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