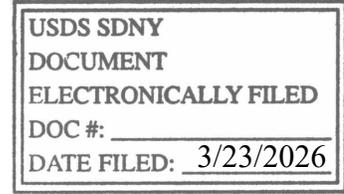


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA,

-against-

22-cr-0673 (LAK)

SAMUEL BANKMAN-FRIED,

Defendant.  
----- x

**MEMORANDUM AND ORDER**

LEWIS A. KAPLAN, *District Judge*.

Defendant is represented in this case by three attorneys of record: Mses. Shapiro and Young and Mr. Mukasey. Nevertheless, on February 5, 2026, defendant filed what purports to be a *pro se* motion for a new trial.

Defendants in criminal cases have the right to represent themselves – i.e., to act *pro se* – or to be represented by counsel. They do not have the right to do both at the same time. If a defendant is represented by counsel, the defendant may submit written arguments, speak in court, and do other things normally done by counsel only in the discretion of the district court.<sup>1</sup>

In this case, the Court has not determined yet whether to consider defendant’s purportedly *pro se* pending motion. It would be useful to have additional information in determining whether to exercise that discretion in defendant’s favor.<sup>2</sup> Accordingly, and to ensure that ethical rules are being adhered to by anyone involved:

1. On or before April 15, 2026, defendant shall file an affidavit or declaration under penalty of perjury stating, with respect to each of the previously filed papers described in clauses (a), (b), and (c), whether that paper was drafted or prepared in whole, or substantial part, by an attorney or attorneys and, if so, the name and office address of each such attorney:

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1

*United States v. Hage*, 74 F.4th 90 (2d Cir. 2023).

2

The Court’s concern has been enhanced by the fact that the government has questioned the authenticity and certain other details of the latest purportedly *pro se* filing on behalf of defendant. Gov’t’s Mar. 22, 2026 Letter (Dkt 591). The Court does not address now the concerns raised by the government.

- (a) The notice of motion, dated February 5, 2026;
- (b) Exhibit A to the notice of motion; and
- (c) The memorandum of law in support of the motion, dated February 5, 2026.

2. Henceforth, defendant, with respect to each ostensibly *pro se* paper he hereafter may file, shall file at the same time an affidavit or declaration concerning the filed paper setting forth the information described in paragraph 1.<sup>3</sup>

SO ORDERED.

Dated: March 23, 2026



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Lewis A. Kaplan  
United States District Judge