UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-3093
(Cr. No. 21-153)

UNITED STATES OF AMERICA, Appellee,

v.

DANIEL GOODWYN, Appellant.

GOVERNMENT'S OPPOSITION TO APPELLANT'S EMERGENCY MOTION FOR STAY PENDING APPEAL

Appellee, the United States of America, respectfully opposes appellant Daniel Goodwyn's emergency motion for a stay pending appeal of the district court's order reimposing a computer-monitoring condition of his supervised release (see ECF 131 at 17-19 (oral ruling reimposing computer-monitoring condition), 132 (written order reimposing computer-monitoring condition and denying stay)).[1] This Court should deny the stay because, most notably, Goodwyn has not met his burden of demonstrating that his appeal is likely to succeed on the merits. First,

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[1] ECF references are to the district court docket in Criminal Case No. 21-153.

Goodwyn's plea agreement contains a valid waiver of his right to appeal his supervised-release conditions. Second, this appeal likely will be dismissed as moot. And third, Goodwyn cannot show that the district court abused its wide discretion in reimposing the condition after developing the record and explaining its conclusion that the condition reasonably related to Goodwyn's offense and was narrowly tailored to meet the sentencing goals of protecting the public, deterrence, and rehabilitation. Goodwyn also fails to show that the other factors a court should consider require a stay in this case.

BACKGROUND

Procedural History

Goodwyn participated in the January 6, 2021, attack on the United States Capitol, using a bullhorn to incite other rioters to storm the Capitol and, once inside, ignoring an officer's orders to exit the Capitol. He pleaded guilty to a single count of a five-count superseding indictment—entering or remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1) (ECF 34). As part of the plea agreement, Goodwyn agreed to "waive his right to appeal the sentence in

this case, including but not limited to any . . . condition of supervised release . . .” (ECF 82 at 7).

On June 6, 2023, the district court sentenced Goodwyn to 60 days of incarceration followed by one year of supervised release (ECF Minute Entry for June 6, 2023). As described further below, Goodwyn’s conduct before, during, and after the Capitol riot involved significant use of computers and social media. As part of Goodwyn’s special conditions of supervised release, the court imposed a computer-monitoring condition:

> Computer Monitoring/Search - To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition. (ECF 108 at 5.)

Goodwyn began serving his supervised-release term on August 25, 2023, and is expected to complete supervised release by August 25 of this year.

Goodwyn filed an appeal solely challenging the computer-monitoring condition’s constitutionality (Appeal No. 23-3106). After

considering the government's motion to remand the case so that the district court could make findings in support of the computer-monitoring condition, this Court vacated the condition and remanded for further proceedings, stating that the district court had "plainly erred in imposing the computer-monitoring condition without considering whether it was 'reasonably related' to the relevant sentencing factors and involved 'no greater deprivation of liberty than is reasonably necessary' to achieve the purposes behind sentencing." *United States v. Goodwyn*, No. 23-3106, Order (Feb. 1, 2024) (quoting 18 U.S.C. § 3583(d)(1), (2), and citing *United States v. Burroughs*, 613 F.3d 233, 242–46 (D.C. Cir. 2010)). This Court stated further that if the district court decided on remand to impose a new computer-monitoring condition, "'it should explain its reasoning,' 'develop the record in support of its decision,' and ensure that the condition accords with 18 U.S.C. § 3583(d) and constitutional protections." *Id.* (quoting *Burroughs*, 613 F.3d at 246).

On remand, the district court issued an order to show cause "why the computer-monitoring restriction should not be re-imposed considering the defendant's computer posting regarding January 6, 2021, and the conduct he admitted he engaged in that resulted in his guilty

plea" (ECF 119). In response, Goodwyn opposed the condition as unconstitutional and unrelated to his offense of conviction (ECF 122). The government supported the condition as "reasonably related to the statutory sentencing goals of protecting the public, specific deterrence, and rehabilitation" and argued that the condition would "not result in any greater deprivation of liberty necessary to meet those goals" (ECF 123). Goodwyn replied (ECF 125).

On June 27, 2024, the district court heard argument (via videoconference), after which it orally reimposed the computer-monitoring condition (ECF 131 (transcript)). The court found that Goodwyn had used a computer to promote the offense of conviction and had continued to use a computer since his conviction to disseminate similar information (*id*. at 17-19). The court indicated that it would issue a written order (*id*. at 19).

Before it could issue that written order, Goodwyn moved for an emergency stay of the court's oral order reimposing the computer-monitoring condition (ECF 126). He challenged the condition as improper and argued that he would lose his employment if the condition were not vacated (*id*.). The government opposed the motion, arguing that

Goodwyn's arguments were unlikely to succeed on the merits because the condition was reasonably related to the nature and circumstances of the offense and reflected the needs to protect the public and afford specific deterrence and rehabilitation (ECF 128 at 2-5). The government also noted that Goodwyn had not previously asserted that he would be fired because of the computer-monitoring condition, that Goodwyn's employer had continued to support and employ him since sentencing, and that Goodwyn was not prohibited from using a computer for his work (*id*. at 6). Goodwyn replied (ECF 129-30).

On July 10, 2024, the district court denied the emergency stay (ECF 132). That same day, Goodwyn appealed the district court's June 27, 2024, order reimposing the computer-monitoring condition (ECF 133). He now has filed an emergency motion in this Court to stay the computer-monitoring condition.

Admissions in Goodwyn's Plea

Goodwyn's Statement of Offense (ECF 83), submitted as part of his guilty plea, included admissions related to his Internet and social-media conduct prior to, during, and after his involvement in the Capitol attack.

On November 7, 2020, Goodwyn posted a picture on Twitter of the Proud Boys logo and stated, "Stand back and stand by! Show up at your state Capitol at noon today local time. Await orders from our Commander in Chief. #StopTheSteal! StopTheSteal.US." (ECF 83 at ¶ 9.) On December 28, 2020, Goodwyn tweeted "#FightForTrump" and "#StopTheSteal" and linked a GiveSendGo account where he solicited donations to fund his travel to Washington, D.C., on January 6, 2021 (*id.*).

On January 1, 2021, Goodwyn traveled from San Francisco to Washington, D.C., to protest Congress's certification of the Electoral College (ECF 83 at ¶ 8). On January 6, 2021, Goodwyn attended the "Stop the Steal" rally near the Washington Monument before marching with other protestors to the Capitol and entering the restricted perimeter (*id.* at ¶¶ 10-11). Goodwyn was a part of the crowd that had gathered on the Upper West Terrace near the Senate Wing Door, and he used a bullhorn to incite others to go into the Capitol (*id.* at ¶¶ 11-12). He yelled through the bullhorn, "behind me, the door is open . . . we need you to push forward, forward . . . we need critical mass for this to work . . . go behind me and go in" (*id.* at 12).

As Goodwyn entered through the Senate Wing Door, an officer reached out and touched him, but Goodwyn continued inside where he remained for 36 seconds (ECF 83 at 13). As he left, Goodwyn was called out as "sfthoughtcriminal" by Anthime Gionet, aka "Baked Alaska," who was inside the Capitol livestreaming his broadcast (*id.*). Goodwyn slowed down and paused to identify himself on the video as "Daniel Goodwyn" after being told to leave the building by a law enforcement officer (*id.*). Goodwyn also yelled to another rioter to get the police officer's badge number and that the officer was an "Oathbreaker" (*id.*).

Throughout the day, Goodwyn responded to several text messages to his brother (ECF 83 at ¶ 14), and to a woman, telling her that he believed "Patriots rushed the Capitol" (*id.* at ¶ 15.) Later that night, Goodwyn's online activity continued when he tweeted, "They WANT a revolution. They're proving our point. They don't represent us. They hate us." (*Id.* at ¶ 16.)

Post January 6 Interviews and Social Media

The government's response to the order to show cause detailed and provided snapshots of Goodwyn's online presence (ECF 123 at 2-12). The district court adopted this evidence in the written order reimposing the

computer-monitoring condition and denying the motion to stay. The district court found as follows:

> As the government has illuminated, the defendant's concerning online activity did not end on the day of the attack. Mere weeks after the defendant entered his guilty plea, "[he] sat for an interview with Tucker Carlson on Fox News Channel[,]" Gov't's Resp. [ECF 123] at 4, where the defendant "identified www.stophate.com/J6 as a website where people could donate to [assist January 6] defendants[,]" *Id.* at 5. At the top of the page on the website that the defendant identified, "[he] is listed as the first defendant that people could donate to" having already "received $27,323.25 in contributions thus far." *Id.* Additionally, "[the defendant] has another fundraising page on Stopthehate.com that has raised $6,465[.]" *Id.* According to the government, the defendant "is a team member of Stopthehate.com [and] ... [his biography on the page] links to his website, 'DanielGoodwyn.com[.]" *Id.* On his personal website, the defendant's biography states that "[he has] worked with the top investigators to collect and cur[]ate [] the most important January 6 evidence to ex[]onerate [] Trump and the election integrity protestors who the Brandon Administration has turned into POLITICAL HOSTAGES!" *Id.* at 6. The biography not only inquires of the reader to "[f]ind out the top 3 ways other Patriots help [January 6, 2021, defendants, also called] [(']J6ers[')] who are locked up RIGHT NOW" but also lists the defendant's "current activism, 'With Stop Hate.com, I helped work on [what appear to be videos such as] Righting History, Bloody Hill, 1000 Days of Terror, and J6: A True Timeline." *Id.*
>
> The defendant has also posted a significant amount on his personal social media "continu[ing] to deny responsibility for his actions . . . and push[ing] false narratives[,]" for what occurred on January 6, 2021. *Id.* at 9. The defendant "[posted] on his Instagram [and] he referred to himself as 'kidnapped by the FBI and the DOJ and held hostage in T[exas] for [three]

years." *Id*. The defendant also posted a caption on an Instagram post indicating that—

> [s]pending time in federal prison for being present at the election integrity protest has only radicalized and cemented my Christian faith and pushed me further towards the constitution, the political right, and activism. Meeting other J6ers in there has only strengthened my resolve to work towards the full exoneration and release of every last Patriot.

Id. at 10. Lastly, the defendant also has posted on his personal Instagram account that "rioters were 'beat to death,' that the rioters were not violent, and even statements that contradict his most recent filing to this Court." *Id*.; see also Def.'s Resp. at 5 ("[The defendant] was not present when and where some protestors and police acted violently."). (ECF 132 at 4-5.)

The District Court's Findings and Reasoning for Reimposing the Computer-Monitoring Condition

After considering the evidence summarized above and hearing argument, the district court orally reimposed the computer-monitoring condition (ECF 131 at 19). The court explained that this condition was related to Goodwyn's offense, that it was necessary to protect the public and promote deterrence and rehabilitation, and that it was narrowly tailored to the offense *(id*. at 17-19). The court emphasized the narrow focus of the monitoring condition, which allows the Probation Office "only [to] extract information that specifically relates to the offense for which

[Goodwyn] was found guilty of, and conduct -- or statements related to those events or future events of that nature" (*id.* at 18). The court made clear that "if they do intercept information that doesn't relate to that, obviously [it] would not authorize them to in some way make a record of it" (*id.*).

In the subsequent written order denying Goodwyn's stay request, the court further explained:

> For several reasons, based on the above history, the Court concludes that there was a factual basis to impose the computer monitoring restriction on the defendant and that the factual basis for doing so has only been enhanced by his post-sentencing computer and social media conduct. Accordingly, the restriction "is reasonably related to the factors set forth in [§] 3553(a)(l), (a)(2)(C), and (a)(2)(D); involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. [§] 994(a)[.]" 18 U.S.C. § 3583(d)(l)-(3).
>
> First, the computer monitoring restriction is "reasonably related[,]" *Id.* § 3583(d)(l), to the nature and circumstances of the offense because of the public statements the defendant made on his social media accounts leading up to his involvement in the attack on the Capitol, *see* Statement of Offense ¶ 9, and during the attack itself, *see Id.* ¶¶ 11-12. As the government notes, "[the c]omputer monitoring [restriction] is necessary because it prevents [the defendant] from encouraging retribution against police officers, protects the public, prevents [him] from raising funds for [potential] future crimes, and separates [the defendant] from extremist

> media, rehabilitating him." Gov't's Resp. at 18; *see also* 18 U.S.C. § 3553(a)(2)(B)-(D).
>
> Second, the computer monitoring restriction also "involves no greater deprivation of liberty than is reasonably necessary[.]" 18 U.S.C. § 3583(d)(2). As originally imposed, the monitoring restriction involves "searches [that] shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation." Judgment at 5. The restriction does not prevent the defendant from exercising his constitutional rights or using the internet or social media--it was imposed to ensure that he does not traffic in any content that inspired the conduct that he and others engaged in on January 6, 2021.
>
> Third, the computer monitoring restriction, ideally, will "afford adequate deterrence to criminal conduct[,]" 18 U.S.C. § 3553(a)(2)(B), and "provide the defendant with needed ... correctional treatment in the most effective manner[,]" *Id.* § 3553(a)(2)(D). The defendant has been treated for mental health issues in the past that appear to have contributed to his decision to engage in criminal conduct, *see* Presentence Investigation Report as to Daniel Goodwyn ("PSR") ¶¶ 72-74, ECF No. 99, and separating him from extreme content that inspired the attack on the Capitol is likewise "reasonably related to the permissible goals of deterrence and rehabilitation and is a common purpose of supervised release[,]" *United States v. Hunt*, 843 F.3d 1022, 1031 (D.C. Cir. 2016) (quoting *United States v. Watson*, 582 F.3d 974, 983 (9th Cir. 2009)). (ECF 132 at 5-6.)

After explaining why it had reimposed the computer-monitoring condition, the district court denied the stay motion, concluding that

Goodwyn was "unlikely to succeed on the merits" of his appeal (ECF 132 at 7).

ARGUMENT

A party seeking to stay a district court order pending the appellate court's resolution of an appeal bears the burden to justify the grant of a stay. *Nken v. Holder*, 556 U.S. 418, 433-34 (2009). The issuance of a stay is committed to district court discretion. *Id.* at 433. When evaluating whether to issue a stay, a court considers four factors: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken*, 556 U.S. at 426, 434 (internal quotation marks and citations); *accord United States v. Philip Morris, Inc.*, 314 F.3d 612, 617 (D.C. Cir. 2003). The first two factors "are the most critical." *Nken*, 556 U.S. at 434. The third and fourth factors "merge" when a party moves for a stay against the government. *Id.* at 435. A stay "is not a matter of right, even if irreparable injury might otherwise result." *Id.* at 433 (internal quotations and quoted authority omitted).

Goodwyn, whose supervised release will end in less than 30 days, fails to justify a stay of the condition of his supervised release allowing the Probation Office to monitor his computer. He has not made a "strong showing" that his appeal is likely to succeed on the merits. *Nkem*, 556 U.S. at 426. Nor does he establish that the other relevant factors require a stay in this case.

A. Goodwyn Fails the First Factor of a Strong Showing of Likely Success on the Merits.

As the district court correctly found, Goodwyn cannot make a strong showing that he is likely to succeed on the merits of his claim on appeal. Goodwyn fails to satisfy the first *Nken* factor for three reasons: (1) he waived his right to appeal the conditions of his supervised release; (2) this appeal will likely be dismissed as moot; and (3) the district court did not abuse its wide discretion in imposing the condition.

First, Goodwyn's appeal waiver bars his appeal of the order imposing the computer-monitoring condition. In his written plea agreement, Goodwyn expressly waived his right to appeal his sentence, "including but not limited to any . . . condition of supervised release" (ECF 82 at 7). Goodwyn has never suggested that this appeal waiver was

anything but knowing, intelligent, and voluntary. Goodwyn cannot show, therefore, that his appeal will not be dismissed. *See, e.g., United States v. Lee*, 888 F.3d 503, 506 (D.C. Cir. 2018) (upholding a knowing, voluntary, and intelligent appeal waiver). Goodwyn cannot demonstrate a likelihood of success on the merits for this reason alone.

Second, even apart from the appeal waiver, it is unlikely that this case will be resolved on the merits. Because Goodwyn is expected to finish his supervised-release term by the end of August, his challenge to a condition of supervised release will be moot before the case is fully briefed. *See Transwestern Pipeline Co. v. FERC*, 897 F.2d 570, 575 (D.C. Cir. 1990) ("A case is moot if events have so transpired that the decision will neither presently affect the parties' rights nor have a more-than-speculative chance of affecting them in the future.").

Third, even if the Court were to reach the merits, Goodwyn cannot show a strong likelihood that he could succeed. The challenged supervised-release condition would be reviewed for abuse of discretion. *See Burroughs*, 613 F.3d at 240 (reviewing the substantive validity of a supervised-release condition under an abuse-of-discretion standard).

Goodwyn cannot establish that the district court abused its discretion in reimposing the computer-monitoring condition of supervised release.

A district court has wide discretion to fashion appropriate conditions of supervised release that are "reasonably related" to the offense in question. *See United States v. Legg*, 713 F.3d 1129, 1131 (D.C. Cir. 2013) ("Sentencing judges . . . are . . . afforded wide discretion when imposing terms and conditions of supervised release."). Defendants on supervised release have less freedom than those who have finished their sentences, and courts may impose restrictions even if they impinge on constitutional rights. *See United States v. Knights*, 534 US 112, 119 (2001). But before imposing a supervised release condition, a district court must make specific factual findings that the condition is "reasonably related" to one of the statutory sentencing goals: (1) the nature and circumstances of the offense conduct and the defendant's history and characteristics; (2) deterrence of the defendant's future criminal conduct; (3) protection of the public; and (4) the defendant's need for training and treatment. 18 U.S.C. §§ 3583(d)(1), 3553(a); U.S.S.G. § 5D1.3(b); *see United States v. Sullivan*, 451 F.3d 884, 895 (D.C. Cir. 2006).

Where properly tailored, computer and Internet conditions are widely recognized as appropriate considerations for special conditions of supervised release, most notably in child-pornography cases and cases in which computers have been used to facilitate the offense. *See e.g., United States v. Rock*, 863 F.3d 827, 832 (D.C. Cir. 2017) (upholding, under plain-error review, qualified Internet bans where the defendant used a computer to distribute child pornography). Indeed, the Sentencing Guidelines recommend "[a] condition limiting the use of a computer or an interactive computer service in cases in which the defendant used such items." U.S.S.G. § 5D1.3(d)(7)(B). But a computer need not (as Goodwyn claims) have facilitated the offense for a computer-related restriction to be appropriate. *Cf. Burroughs*, 613 F.3d at 243 (computer-monitoring conditions "are not *categorically* appropriate in cases where the defendant did not use them to facilitate his crime") (emphasis in original). Where the Guidelines do not categorically recommend computer conditions, there must be "facts making [] computer restrictions reasonably related to the nature and circumstances of [a defendant's] offense." *Id*.

Here, based on his participation in the attack on the Capitol, Goodwyn pleaded guilty to entering or remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1). Goodwyn admitted in his Statement of Offense to using a computer and social media in relation to that offense (see ECF 83 at ¶ 9). In addition to Goodwyn's plea admissions and the video of Goodwyn's interview with Tucker Carlson, during which Goodwyn allowed himself to be portrayed as a victim and political hostage, the government established during the June 27, 2024, post-remand hearing that Goodwyn continued to use his computer and social media in a manner related to his offense (ECF 132 at 4-5). Using computers and social media, Goodwyn messaged and posted about the Capitol riot: much of what he posted glorified rioters, disclaimed his own responsibility for the offense, and included misleading statements, such as that he had been kidnapped by the FBI and DOJ and held hostage in Texas for three years and that police had beaten rioters to death (*id.*). Given the nature and breadth of Goodwyn's online activity, the district court was justified in concluding that a computer-monitoring condition was reasonably related to the nature and circumstances of the offense.

The district court also appropriately found that the computer-

monitoring condition was necessary to fulfill the statutory sentencing goals of protecting the public, deterrence, and rehabilitation (ECF 132 at 5-6 (adopting the government's position that "'[the c]omputer monitoring [restriction] is necessary because it prevents [the defendant] from encouraging retribution against police officers, protects the public, prevents [him] from raising funds for [potential] future crimes, and separates [the defendant] from extremist media, rehabilitating him.'")). Thus, the restriction challenged here is appropriately tethered to the statutory sentencing goals.

Besides complying with statutory requirements tethering supervised release conditions to statutory sentencing goals, a condition of supervised release must not result in any "greater deprivation of liberty than is reasonably necessary" to meet these goals. 18 U.S.C. § 3583(d)(2); U.S.S.G. § 5D1.3(b). The court therefore must "weigh the consequences for the defendant's liberty against any likely achievement of the statutory [sentencing] purposes." *United States v. Malenya*, 736 F.3d 554, 560 (D.C. Cir. 2013). Again faced with a deferential standard of review, Goodwyn cannot make a strong showing that he is likely to succeed in establishing that the district court abused its discretion by

imposing a computer-monitoring condition that is broader than reasonably necessary to promote the identified statutory sentencing goals of protecting the public, deterrence, and rehabilitation. The monitoring condition is not a blanket limitation on Goodwyn's computer use or ability to access social media. As the district court concluded, it "does not prevent [Goodwyn] from exercising his constitutional rights or using the internet or social media" (ECF 132 at 6). The court did not prohibit Goodwyn from research, news-gathering, using social media, or using a computer. In other words, the computer-monitoring condition does not prevent Goodwyn from using his computer or expressing opinions unrelated to his offense. Rather, during the course of his supervised release, the condition "allows probation to monitor Goodwyn's computer to ensure that he does not traffic in any content that inspired the conduct that he and others engaged in on January 6, 2021" (*id.*) And it "separat[es] him from extreme content that inspired the attack on the Capitol" (*id.*)

In sum, whether based on appeal waiver, the looming mootness, or Goodwyn's inability to establish an abuse of discretion, Goodwyn has

failed to meet his burden to show that he is likely to succeed in attacking the computer-monitoring condition on the merits.

B. The Other Factors Relevant to a Stay Do Not Support Relief.

Goodwyn asserts that the computer-monitoring condition causes irreparable harm to him in his occupation as "an investigative journalist and documentarian" (Emerg. Mot. 10, 17-19). The challenged condition does not bar Goodywn from using a computer, however. All it does is authorize the Probation Department to monitor his computer usage and to "extract information that specifically relates to the offense for which [Goodwyn] was found guilty of, and conduct -- or statements related to those events or future events of that nature" (ECF 131 at 18). Goodwyn alleges—without any affidavit or documentary support—that his employer refuses to allow him to work with that supervised-release condition in place. But even if his assertions about irreparable harm were taken at face value, they alone do not justify a stay. *See Nken*, 556 U.S. at 433 (no right to a stay "even if irreparable injury might otherwise result").

The third and fourth factors, which merge here, *see Nken*, 556 U.S. at 435, also do not support a stay. The computer-monitoring condition

protects the public interest by deterring Goodwyn from encouraging future violence and thus threatening public safety, at least while he is still under court supervision.

CONCLUSION

WHEREFORE, appellee respectfully requests that the Court deny Goodwyn's emergency motion for a stay.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH RULE 27(d)

I HEREBY CERTIFY pursuant to Fed. R. App. P. 32(g) that this motion contains 4,391 words, and therefore complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A). This motion has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface.

/s/
ELIZABETH H. DANELLO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of July, 2024, I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon counsel for appellant, Carolyn Stewart.

/s/
ELIZABETH H. DANELLO
Assistant United States Attorney