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Attorney for Defendant
WEI SING GOH

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

(HONORABLE JUDGE ALLISON H. GODDARD)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WEI SING GOH,

Defendant.

Case No.: 19-MJ-3409-AHG-GPC

**NOTICE OF SUBMISSION OF
COURT TRANSCRIPTS OF TWO
BOND HEARINGS FOR AUGUST
16, 2019 AND AUGUST 22, 2019.**

TO THE CLERK OF THE COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that the defendant, WEI SING GOH, by and through his counsel, ALEXANDER H. FUQUA, hereby submits the two bond hearing transcripts, August 16, 2019 and August 22, 2019, for the court to consider in the instant matter.

Dated: September 13, 2019

Respectfully submitted,

/s/ Alexander H. Fuqua
Alexander H. Fuqua
Attorney for Defendant
WEI SING GOH

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 19-mj-3409-AHG-GPC
)
v.) August 16, 2019
)
WEI SING GOH,) 10:28 a.m.
)
Defendant.) San Diego, California
)

TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE ALLISON H. GODDARD
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEYS OFFICE
By: JACLYN STAHL, ESQ.
880 Front Street
San Diego, California 92101

For the Defendant: SEVENS LEGAL APC
By: ALEXANDER FUQUA, ESQ.
3555 Fourth Avenue
San Diego, California 92103

Court Transcriber: CYNTHIA R. OTT, RDR, CRR
District Court Clerk's Office
333 West Broadway, Suite 420
San Diego, California, 92101
cynthia_ott@casd.uscourts.gov

1 SAN DIEGO, CALIFORNIA, AUGUST 16, 2019, 10:28 A.M.

2 * * * *

3 THE CLERK: Calling matter number six, 19-mj-3409,
4 United States of America versus Wei Sing Goh.

5 MS. STAHL: Good morning, Your Honor, Jaclyn Stahl for
6 the United States.

7 MR. FUQUA: Good morning, Your Honor. Your Honor,
8 Alexander Fuqua making a general appearance on behalf of
9 Mr. Goh. And if I could have a brief moment to discuss with
10 him waiving PE.

11 THE COURT: Yes, that's fine, but just make it brief,
12 because we've got a busy calendar.

13 MR. FUQUA: Absolutely. Absolutely.

14 (Counsel conferred with client.)

15 MR. FUQUA: Thank you, Your Honor.

16 THE COURT: Good morning, Mr. Goh. We're here today
17 for your detention hearing. We'll hear from the government
18 first.

19 MS. STAHL: Thank you, Your Honor.

20 The government believes that there is no condition or
21 combination of conditions that would reasonably assure this
22 defendant's appearance in court. He's charged with violating
23 49 USC 46504, which has a base offense level of up to 30, which
24 comes to 97 to 121 months. While the specific circumstances of
25 the case will determine ultimately his offense level, that is

1 the sentence which he currently is facing and up to 20 years.

2 This was an assault of at least two people. He
3 interfered with the flight crew for approximately two hours.
4 This endangered the lives of approximately 182 passengers and
5 11 crew members. There was only one pilot landing the plane
6 when standard operating procedure is two pilots attending to
7 the landing.

8 During different times throughout the disturbance, the
9 flight crew had to contact the cockpit and talk to the pilots
10 numerous times. This took the pilot's attention away from
11 flying the aircraft and endangered the safety of all on board.
12 It took three passengers and two flight attendants two attempts
13 at restraining the defendant because he was so aggressive.

14 The weight of the evidence is strong. The defendant
15 acted in this way and numerous witnesses saw it. There are
16 recorded interviews which we will be producing to the defense
17 next week that documents all his behavior.

18 Most importantly, the defendant has no legal status to
19 be or remain in the United States. His F1 visa was immediately
20 revoked upon his arrest for this case, and while he did have
21 that visa for the last year to study here, it does not appear
22 that he has any significant ties to the United States. He
23 maybe has one friend who he maybe can live with, but he was
24 going to be residing at an Airbnb before that. His finances
25 are unknown.

1 We know that he is supported by his parents who live
2 in Malaysia. We don't have any information about whether
3 there's any assets here in the United States, that if bond were
4 set the United States would be able to recover if he absconded.

5 A \$2,000 cash deposit, for example, would a flight
6 ticket of going back to Malaysia, maybe a little bit -- the
7 flight ticket would be a little bit less. I understand from
8 pretrial services that they might be amending their
9 recommendation to also recommend detention based on the
10 defendant's lack of status here in the United States.

11 Ultimately, given the seriousness of the crime, the
12 evidence, and the defendant's lack of status, we believe that
13 detention is appropriate.

14 THE COURT: Can you confirm that his passport's been
15 seized?

16 MS. STAHL: It has by the FBI, Your Honor.

17 THE COURT: Okay. Mr. Fuqua.

18 MR. FUQUA: Thank you, Your Honor. Just to point out
19 that the one friend that was mentioned by the government is
20 actually here in court today, it's Ms. Justina Cryder. She has
21 known Mr. Goh for the past three years where they resided
22 together in Malaysia and they both go to school out here as
23 well.

24 Mr. Goh had been attending Mesa College here in San
25 Diego for the past year and the purpose of him coming back to

1 the United States was to continue his education at Mesa
2 College. I've been informed by both pretrial and the
3 government regarding the passport issue, and I've asked if
4 there's been any documentation that I can see or that they've
5 seen that the F1 visa has actually been revoked. Nobody can
6 provide that information at this time.

7 It's just what I've been told by pretrial. I do
8 believe that there are a set of combination of circumstances
9 that would ensure Mr. Goh return to court, and I would ask the
10 Court to follow the recommendation of pretrial services.

11 This case essentially is an individual who had a
12 little too much to drink on an airplane. That's what this all
13 boils down to, and nothing more. The behavior that has been
14 described by the government portrayed by Mr. Goh, he has no
15 recollection due to the alcohol that he consumed that day.

16 So I understand the seriousness of the offense. I
17 understand that there are 182 passengers on that plane and that
18 the pilots were taken away in flight, not while landing but
19 during flight at about five hours into the flight, that's when
20 the incident occurred.

21 Mr. Goh is not a danger to the community. He was a
22 danger in that situation, absolutely, but not to the community
23 at large. He has no reason to flee. His passport has been
24 seized by the FBI, and he has no means to exit the United
25 States.

1 So I'd ask the Court, follow the recommendation of
2 pretrial at this time.

3 MS. STAHL: Your Honor, if I may clarify.

4 THE COURT: Yes.

5 MS. STAHL: I have an FBI printout that shows a final
6 order of removal was issued on August 13th, 2019, which was the
7 offense date, if defense counsel and Your Honor would like to
8 see a copy.

9 THE COURT: That's fine. That's probably the least,
10 I'm concerned about his ties but --

11 MR. FUQUA: If I could say one more thing, Your Honor.

12 THE COURT: Sure.

13 MR. FUQUA: As far as a surety in this case,
14 Ms. Cryder's mother and Ms. Cryder herself were the individuals
15 responsible for obtaining legal representation for Mr. Goh and
16 they would also be amenable and agree to be a surety in this
17 case. And Ms. Cryder's mother does reside in the State of
18 Kentucky, so if the Court would want an examination at any
19 point I'd ask it be telephonic.

20 THE COURT: Do either of them own any property?

21 MR. FUQUA: If I may just have a quick moment, Your
22 Honor. I've been informed by Ms. Cryder that her mother does
23 own property in Kentucky.

24 THE COURT: I'm sorry?

25 MR. FUQUA: Ms. Cryder has informed me that her mother

1 does own property in Kentucky.

2 THE COURT: Do you know -- do we know how much and
3 what the equity is?

4 MR. FUQUA: Not at this time, Your Honor.

5 THE COURT: So I'm going to grant the government's
6 motion. Is this a presumption case?

7 MS. STAHL: No, Your Honor.

8 THE COURT: Okay. The Court finds by a preponderance
9 of evidence that there's a serious risk the defendant would
10 flee if released pending trial and that no condition or
11 combination of conditions of release would reasonably assure
12 his appearance as required.

13 Mr. Goh, my order will be without prejudice. I need
14 more information about the property, because so far I've heard
15 he just has some very tenuous ties to the United States and I
16 need -- if we're going to release him with such a lack of ties,
17 he needs to have very substantial amount of bond that's secured
18 by real property.

19 In making my order, I've relied -- I've considered the
20 factors set forth in section 3142. I've considered the
21 following factors weigh in favor of detention: The weight of
22 the evidence, although it is the least important factor, the
23 lack of significant community or family ties in the district or
24 in the United States.

25 Based on that, that would be the order of the Court.

1 And, again, that order will be without prejudice. Mr. Fuqua,
2 do you have any request as to dates?

3 MR. FUQUA: Your Honor, I'd ask to waive the
4 preliminary examination to the arraignment date and I'd ask to
5 confirm the arraignment date.

6 THE COURT: Mr. Goh, your attorney's asked to move
7 your preliminary hearing date to continue it to September 12th,
8 currently it's set for August 27th. Your preliminary hearing
9 is a time when the government has to present evidence and the
10 Court makes the determination over whether it shows probable
11 cause to hold you over for trial.

12 Understanding that, do you wish to waive -- I'm sorry,
13 understanding that, do you agree to continue your preliminary
14 hearing to September 12th?

15 THE DEFENDANT: Yes.

16 THE COURT: For good cause shown, I will continue
17 Mr. Goh's preliminary hearing to the same date as his
18 arraignment on September 12th, 2019 at 9:30 a.m.

19 And Mr. Goh, you're ordered to appear in court at that
20 time.

21 MR. FUQUA: Thank you, Your Honor.

22 MS. STAHL: Your Honor, would you like the government
23 to prepare an order?

24 THE COURT: I have an order prepared.

25 MS. STAHL: Thank you.

1 (The proceedings concluded at 10:39 a.m., August 16, 2019.)

2 TRANSCRIBER'S CERTIFICATE

3

4 I, CYNTHIA R. OTT, Official Court Transcriber, United
5 States District Court, Southern District of California, do
6 hereby certify that pursuant to 28 U.S.C. §753 the foregoing is
7 a true, complete and correct transcript from the electronic
8 sound recording of the proceedings had in connection with the
9 above-entitled matter and that the transcript page format is in
10 conformance with the regulations of the Judicial Conference of
11 the United States.

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DATED at San Diego, California, September 7, 2019.

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 /s/ CYNTHIA R. OTT
CYNTHIA R. OTT, RDR, CRR

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 19-mj-3409-AHG-GPC
)
v.) August 22, 2019
)
WEI SING GOH,) 9:37 a.m.
)
Defendant.) San Diego, California
)

TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE ALLISON H. GODDARD
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEYS OFFICE
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For the Defendant: SEVENS LEGAL APC
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1 SAN DIEGO, CALIFORNIA, AUGUST 22, 2019, 9:37 A.M.

2 * * * *

3 THE CLERK: Calling matter number 12, 19-mj-3409,
4 United States of America versus Wei Sing Goh.

5 MS. STAHL: Good morning, Your Honor. Jaclyn Stahl
6 for the United States.

7 MR. FUQUA: Good morning, Your Honor, Alexander Fuqua
8 on behalf of Mr. Goh, he is present in custody.

9 MS. CRYDER: Good afternoon (inaudible).

10 MR. FUQUA: And on the phone is the proposed surety,
11 Audrone Cryder, A-U-D-R-O-N-E, last name Cryder, C-R-Y-D-E-R.

12 THE COURT: Good morning. So Mr. Fuqua, why don't you
13 explain to us what's happened since the last time we saw you.

14 MR. FUQUA: Thank you, Your Honor. Since the last
15 time, I had a chance to speak to Mr. Goh and also Ms. Cryder
16 regarding providing the Court with a proposed bond in this
17 case.

18 At the last hearing, pretrial services had recommended
19 a \$20,000 personal surety bond. At this time, we are proposing
20 to the Court a hundred thousand dollar personal surety bond
21 with 10 percent down. The surety is not related to Mr. Goh,
22 however, they do have significant ties.

23 Ms. Cryder, Ms. Audrone Cryder's daughter, Justina
24 Cryder who, again, is present in court today and Mr. Goh were
25 at some point in a dating relationship. But not only that,

1 when Mr. Goh was living in Malaysia, Ms. Cryder, Justina Cryder
2 resided with Mr. Goh's family. They sponsored her while she
3 was studying in Malaysia.

4 The proposed request today also includes Audrone
5 Cryder providing housing for Mr. Goh. Audrone Cryder has
6 agreed to and is willing to sign a six month lease for Mr. Goh
7 to reside in San Diego, and that six month lease could be
8 renewable depending on how long this case takes.

9 At the initial detention hearing, the government had
10 stated that Mr. Goh is facing a base level offense of 30. I've
11 had a chance to review the sentencing guidelines in this case
12 and I'd like to point the Court's attention from the guideline
13 manual section 2A5.2, which does discuss the offense with which
14 Mr. Goh has been charged with.

15 It is true that he could be facing a base level
16 offense 30, however, that would require an intentional act. As
17 the Court is aware through the probable cause statement in this
18 case, all these acts that are alleged against Mr. Goh occurred
19 after he had consumed about seven bottles of wine, the
20 individual sized bottles on an airplane.

21 At best, based on these guidelines, Mr. Goh would be
22 facing a base offense level of 18, which is more about the
23 reckless acts and behavior that was allegedly committed on the
24 plane.

25 So that really brings down what he's facing quite a

1 bit. Additionally, Your Honor --

2 THE COURT: What would that be, Mr. Fuqua,
3 approximately? What's a likely sentence?

4 MR. FUQUA: 27 to 33 months. But it could go as low
5 as nine, which would be a sentence of four to 10 months. And
6 if we were to -- if he's safety valve eligible, that would even
7 reduce it further.

8 So there are things, you know, in front of us that
9 could reduce a potential sentence for Mr. Goh where this could
10 result in possible probation. Straight probation.

11 The Court is well aware that individuals who come into
12 this courtroom with charges of 1325 and 1326 are given bond.
13 They have the opportunity to make bond. And that's what we're
14 asking for in this case.

15 Mr. Goh has a right to defend these charges. Keeping
16 him detained to defend these charges makes this case much more
17 difficult given the circumstances. We have received from the
18 government a detention -- I'm sorry, a removal order. That can
19 easily be overcome by a parole letter from the government.

20 Not only that but Mr. Goh has retained immigration
21 counsel to contest that order. So he does want to contest
22 these charges facing him here in this court. He is contesting
23 the removal order. And it is very much possible for the
24 government to issue a parole letter to Mr. Goh so that he is
25 able to defend these charges rather than having him just

1 deported and banned from this country for five years.

2 And if he were to return in six years, for example, if
3 he doesn't face these charges, now he's got a warrant out for
4 his arrest and we're going to be back here at stage one all
5 over again. So I do believe in this case a hundred thousand
6 dollar personal surety bond secured by the signature of Audrone
7 Cryder would be more than sufficient to ensure that Mr. Goh
8 comes back to court and faces these charges in this case.

9 THE COURT: And there was some -- my recollection is
10 that when you were before me before, there was some discussion
11 of possibly like secured by real property. Is that a
12 possibility?

13 MR. FUQUA: Not -- no. Because the property is in
14 Kentucky.

15 THE COURT: Kentucky, that's right.

16 MR. FUQUA: So it's out of state, so that's not
17 possible. That's why we are offering five times more than what
18 was originally requested. And if the Court is concerned that
19 10 percent is not enough, I believe we could go a bit higher
20 than that to assure the Court that Mr. Goh does return to
21 court.

22 THE COURT: And let's hear from Ms. Stahl, please.

23 MS. STAHL: Your Honor, I don't believe there's been
24 any change in circumstance. I do believe you may have an
25 amended report from pretrial services. They are recommending

1 detention.

2 The defendant has no legal status here. He's subject
3 to an expedited removal from which he has no right of appeal.
4 He simply has no status. He can not obtain any status. The
5 government can request a parole letter to keep him here pending
6 criminal charges, however, that will not put him in custody.
7 He will be at large. And as, you know, given that we are in
8 San Diego, he can walk into Mexico, obtain a new passport for
9 Malaysia and leave our jurisdiction permanently.

10 He has no significant ties here in San Diego. He
11 knows one person, one friend, ex-girlfriend. Her mother lives
12 in Kentucky, does not live here. I've spoken with individuals
13 in my office who are part of the financial litigation unit, and
14 they have stated that we can use real property outside of this
15 state, it just depends on the other state's rules, which I have
16 not had the chance to research.

17 However, I don't believe that property from someone
18 who is not legally tied to the defendant that's in another
19 state would be sufficient. He has no obligations to that
20 individual. He's not married to her daughter. They're simply
21 just not tied, and I do not believe there's a significant nexus
22 between her putting up any real property and his staying here.

23 The weight of the evidence is strong here. He has no
24 stable residence and while there could be signed a lease, he
25 does not have somewhere where he would be residing, for

1 example, with family members, which we often see in 1325s or 26
2 context.

3 Here, I do agree that the base offense level may be 18
4 for recklessness. Safety valve does not apply in this case but
5 I think defense counsel may be referencing acceptance of
6 responsibility. This is still facing over a year in jail and
7 we believe that there are no combination of circumstances that
8 would reasonably assure the defendant's appearance in court.

9 THE COURT: Ms. Cryder.

10 MS. CRYDER: Yes, ma'am.

11 THE COURT: Thank you for being here today. Have you
12 met Mr. Goh personally?

13 MS. CRYDER: Yes, I have, not only met him personally,
14 he has visited us in Kentucky on at least three, possibly four
15 occasions, I'm trying to remember how many times, for a week,
16 two weeks at a time.

17 He has traveled with us on family vacations to Europe.
18 I have visited his family in Penang when I was visiting my
19 daughter in college and met them there. And I've known the boy
20 for three years.

21 THE COURT: And what's your current relationship to
22 him?

23 MS. CRYDER: So without really going into very
24 personal details, Wei Sing has been -- and please forgive me
25 for getting emotional, he has been an integral part of my

1 daughter's life and really just helping her get through a lot
2 of personal issues that she was having. Without him, she
3 probably wouldn't be where she is today.

4 I have had nothing but appreciation and gratitude for
5 him for having done that for her. I understand that I don't
6 know exactly what happened but something happened, otherwise he
7 wouldn't be where he is today. But I have absolutely no doubt
8 that he is -- he is the most honest person and person of
9 integrity. And a hundred thousand dollars to me is a lot of
10 money. It's not all I have, but it's a very significant amount
11 for me.

12 And I am willing to put it up, because I don't believe
13 there is even the slightest chance that I will lose that money.
14 There's not a chance that he would ever do something like
15 (inaudible) and have me there (inaudible). He isn't that kind
16 of person.

17 THE COURT: Okay. And I apologize, Ms. Cryder, we
18 should have put you under oath before you started talking. So
19 I'm going to have my clerk put you under oath now and I'm going
20 to ask you to reconfirm what you just told me once you're under
21 oath. Go ahead, Trina.

22 AUDRONE CRYDER, DEFENDANT'S WITNESS, SWORN

23 THE COURT: And Ms. Cryder, having now been placed
24 under oath, can you confirm that all the statements that you
25 made prior to the Court are true and correct?

1 MS. CRYDER: I do confirm that, yes.

2 THE COURT: And can I hear from pretrial services?
3 The recommendation has changed. Is there any other information
4 or?

5 MR. ORTIZ: Your Honor, good morning, Jose Ortiz,
6 pretrial services. I submitted a report. We did go ahead and
7 confirm that the defendant has no -- clearly has no legal
8 status and he is under removal proceedings. Initially when we
9 interviewed the defendant, we believed he had legal status here
10 in the United States.

11 Upon further verification, we realized that he does
12 not. So our recommendation changed to detention based off of
13 that and the foreign ties that we see. But other than that,
14 Your Honor, no further information at this time.

15 THE COURT: Anything else, Mr. Fuqua?

16 MR. FUQUA: Your Honor, just to state that
17 there's -- there's no risk that Mr. Goh is going to go into
18 Mexico and obtain a new passport through whatever possible
19 illegal means to fly back to Malaysia. He does have ties here
20 in the sense that Justina Cryder is here. He goes to school
21 here.

22 He was coming back here to go to school specifically.
23 He does have other friends from school, but I mean, they're not
24 as close nor as important as Justina is to him.

25 THE COURT: And anything else from you, Ms. Stahl?

1 MS. STAHL: Your Honor, I think his family, his whole
2 life is back in Malaysia. He studied here for one year. He
3 hasn't made significant ties or friendships besides the one. I
4 don't doubt that they are close, that he knows her family as
5 the proposed surety has said, but that simply does not satisfy
6 the government that he would be willing to stay here to face
7 these very serious charges.

8 THE COURT: On August 16th, 2019, the Court ordered
9 Mr. Goh detained pending trial. The Court has considered all
10 the information presented today by counsel and by Ms. Cryder.
11 The Court finds that there are no changed circumstances to
12 support modifying the existing order of detention.

13 So Mr. Goh will remain under detention. There'll be
14 no modification to that order.

15 MS. STAHL: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. FUQUA: Is that still without prejudice, Your
18 Honor?

19 THE COURT: It's still without prejudice, correct.

20 MR. FUQUA: Okay. Thank you.

21 (The proceedings concluded at 9:50 a.m., August 22, 2019.)
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1 TRANSCRIBER'S CERTIFICATE

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3 I, CYNTHIA R. OTT, Official Court Transcriber, United
4 States District Court, Southern District of California, do
5 hereby certify that pursuant to 28 U.S.C. §753 the foregoing is
6 a true, complete and correct transcript from the electronic
7 sound recording of the proceedings had in connection with the
8 above-entitled matter and that the transcript page format is in
9 conformance with the regulations of the Judicial Conference of
10 the United States.

11 DATED at San Diego, California, September 7, 2019.
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13

14 /s/ CYNTHIA R. OTT
15 CYNTHIA R. OTT, RDR, CRR
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5 Attorney for Defendant
WEI SING GOH

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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **(HONORABLE JUDGE ALLISON H. GODDARD)**

11 **UNITED STATES OF AMERICA,**)

12 Plaintiff,)

13 vs.)

14 **WEI SING GOH,**)

15 Defendant.)

Case No.: 19-MJ-3409-AHG-GPC

PROOF OF SERVICE

16
17 Counsel for Defendant certifies that the following document:

- 18
19 1. Notice of Transcript Submission.
20 2. Transcripts of Two Bond Hearings.

21
22 was filed electronically and was caused to be sent electronically per
23 CM/ECF policies to the U.S. Attorney, on the same day of the electronic filing.

24 Dated: September 13, 2019

Respectfully submitted,

25 /s/ Alexander H. Fuqua
26 Alexander H. Fuqua, Attorney for
27 Defendant WEI SING GOH
28