

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Michael Joseph Foy

)  
)  
)  
)  
)  
)

Case No.

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) Michael Joseph Foy, who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 1752(a)(1), (2) - knowingly enter or remain in any restricted building or grounds without lawful authority;
18 U.S.C. 231(a)(3) - Obstruction of law enforcement;
18 U.S.C. § 111(a)(1) and (b) - Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer of the United States;
18 U.S.C. § 2 - Aiding and abetting;
18 U.S.C. § 1512(c)(2) - Obstruct, influence, or impede any official proceeding of Congress.

Date: 01/20/2021

Issuing officer's signature

2021.01.20
21:38:07 -05'00'

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 1-20-21, and the person was arrested on (date) 1-21-21 at (city and state) W:YOM, ME

Date: 1-21-21

Arresting officer's signature

John P. McNulty, Special Agent, FBI
Printed name and title

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

Case No. 21-30039  
Originating No. 21-mj-136

**MICHAEL JOSEPH FOY,**

Defendant.

**GOVERNMENT'S PETITION  
FOR TRANSFER OF DEFENDANT TO  
ANOTHER DISTRICT AND SUPPORTING BRIEF**

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **MICHAEL JOSEPH FOY**, to answer to charges pending in another federal district, and states:

1. On **January 21, 2021**, defendant was arrested in the Eastern District Michigan in connection with a federal arrest warrant issued in the **United States District Court for the District of Columbia based on a Complaint. Defendant is charged in that district with violation of 18 U.S.C. §1752(a)(1),(2)- Knowingly enter or remain in any restricted building or grounds without lawful authority; 18 U.S.C. §231(a)(3)- Obstruction of law enforcement; 18 U.S.C. §111(a)(1) and (b)- Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer of the**

**United States; 18 U.S.C. §2- Aiding and abetting; 18 U.S.C. §1512(c)(2)- Obstruct, influence, or impede any official proceeding of Congress.**

2. Rule 5 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary examination as described in Paragraph One above. See Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

MATTHEW J. SCHNEIDER  
United States Attorney

s/Hank Moon  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Hank.moon@usa.doj.gov  
(313) 226-0220

Dated: January 21, 2021

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

**WAIVER OF RULE 5 AND 5.1 HEARINGS  
(Excluding Probation Violation Cases)**

v.

Case No. 21-30039  
Originating No. 21-mj-136

MICHAEL JOSEPH FOY,

Defendant.

\_\_\_\_\_/

I, MICHAEL JOSEPH FOY understand that in the Superior Court of the District of Columbia charges are pending alleging a violation in the United States District Court for the District of Columbia based on a Complaint. Defendant is charged in that district with violation of 18 U.S.C. §1752(a)(1),(2)- Knowingly enter or remain in any restricted building or grounds without lawful authority; 18 U.S.C. §231(a)(3)- Obstruction of law enforcement; 18 U.S.C. §111(a)(1) and (b)- Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer of the United States; 18 U.S.C. §2- Aiding and abetting; 18 U.S.C. §1512(c)(2)- Obstruct, influence, or impede any official proceeding of Congress and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of my right to:

1. Retain counsel or request the assignment of counsel if I am unable to afford one.

2. Request transfer of the proceedings to this district pursuant to Fed. R. 20, in order to plead guilty.
3. Have an identity hearing to determine if I am the person named in the charge.
4. Have a preliminary examination (unless and indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me; the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing

preliminary examination

identity hearing and have been informed I have no right to a preliminary hearing

identity hearing but request a preliminary hearing to be held in the district of prosecution

and therefore consent to the issuance of an order requiring my appearance in the prosecuting district where the charges is pending against me.

*W/ PERMISSION  
15*  
\_\_\_\_\_  
Defendant

Date:

*1/21/21*

\_\_\_\_\_  
Counsel for Defendant

Date:

*1/21/21*

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America )

v. )

Case No. 21-30039

Michael Joseph Foy )

Defendant )

Charging District's

Case No. 21-mj-136

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the District of Columbia,

Huntington

(if applicable) division. The defendant may need an interpreter for this language:

n/a

The defendant: [ ] will retain an attorney.

[X] is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 1/25/2021

s/ Patricia T. Morris

Judge's signature

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

[Query](#) [Reports](#) [Utilities](#) [Help](#) [What's New](#) [Log Out](#)

CLOSED

**U.S. District Court  
Eastern District of Michigan (Detroit)  
CRIMINAL DOCKET FOR CASE #: 2:21-mj-30039-DUTY All Defendants**

Case title: United States of America v. Foy  
Other court case number: 21-136 District of Columbia

Date Filed: 01/21/2021  
Date Terminated: 01/25/2021

---

Assigned to: Magistrate Judge  
Unassigned

**Defendant (1)**

**Michael Joseph Foy**  
***TERMINATED: 01/25/2021***

represented by **Federal Community Defender**  
613 Abbott  
5th Floor  
Detroit, MI 48226  
313-967-5555  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*  
*Bar Status: Sworn*

**Colleen P. Fitzharris**  
Federal Community Defender  
613 Abbott St.  
5th Floor  
Detroit, MI 48226  
313-967-5866  
Email: colleen\_fitzharris@fd.org  
*ATTORNEY TO BE NOTICED*  
*Bar Status: Sworn*

**Pending Counts**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts**

**Disposition**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

Rule 5(c)(3) from District of Columbia

**Disposition****Plaintiff****United States of America**represented by **Hank Moon**

U.S. Department of Justice

211 W. Fort Street

Suite 2001



Detroit, MI 48226

313-226-0220



Fax: 313-226-2372

Email: Hank.Moon@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: U.S. Attorney**Bar Status: US Government Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/21/2021	<a href="#"><u>1</u></a>	PETITION for Transfer under Rule 5(c)(3) by United States of America as to Michael Joseph Foy (1). (LHos) (Entered: 01/21/2021)
01/21/2021		Minute Entry for proceedings before Magistrate Judge David R. Grand: Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Joseph Foy held on 1/21/2021. <b>Detention Hearing set for 1/25/2021 01:00 PM.</b> Disposition: Defendant temporarily detained. (Court Reporter: Digitally Recorded) (Defendant Attorney: Todd Shanker) (AUSA: Hank Moon) (LHos) (Entered: 01/21/2021)
01/21/2021		Minute Entry for proceedings before Magistrate Judge David R. Grand: Removal Hearing as to Michael Joseph Foy not held on 1/21/2021. Disposition: Waived. (Court Reporter: Digitally Recorded) (Defendant Attorney: Todd Shanker) (AUSA: Hank Moon) (LHos) (Entered: 01/21/2021)
01/21/2021	<a href="#"><u>2</u></a>	 Public Audio File of Initial Appearance in Rule 5(c)(3) Proceedings Part 1 of 3 as to Michael Joseph Foy held on 1/21/2021 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (3.1 MB) (SOso) (Entered: 01/21/2021)
01/21/2021	<a href="#"><u>3</u></a>	 Public Audio File of Initial Appearance in Rule 5(c)(3) Proceedings Part 2 of 3 as to Michael Joseph Foy held on 1/21/2021 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (272.1 KB) (SOso) (Entered: 01/21/2021)



01/21/2021	<a href="#">4</a>	 Public Audio File of Initial Appearance in Rule 5(c)(3) Proceedings Part 3 of 3 as to Michael Joseph Foy held on 1/21/2021 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (240.2 KB) (SOso) (Entered: 01/21/2021)
01/21/2021	<a href="#">5</a>	ORDER APPOINTING FEDERAL COMMUNITY DEFENDER as to Michael Joseph Foy. Signed by Magistrate Judge David R. Grand. (SOso) (Entered: 01/21/2021)
01/21/2021	<a href="#">6</a>	ORDER SCHEDULING A DETENTION HEARING AND FOR TEMPORARY DETENTION as to Michael Joseph Foy Signed by Magistrate Judge David R. Grand. (SOso) (Entered: 01/21/2021)
01/21/2021	<a href="#">7</a>	ORDER Regarding Brady Materials as to Michael Joseph Foy. Signed by Magistrate Judge David R. Grand. (SOso) (Entered: 01/21/2021)
01/21/2021	<a href="#">8</a>	WAIVER of Rule 5 and 5.1 Hearings by Michael Joseph Foy (SOso) (Entered: 01/21/2021)
01/22/2021	<a href="#">9</a>	NOTICE OF ATTORNEY APPEARANCE: Colleen P. Fitzharris appearing for Michael Joseph Foy (Fitzharris, Colleen) (Entered: 01/22/2021)
01/24/2021	<a href="#">10</a>	MEMORANDUM <i>and brief requesting detention</i> by United States of America as to Michael Joseph Foy. (Moon, Hank) (Entered: 01/24/2021)
01/25/2021		Minute Entry for proceedings before Magistrate Judge Patricia T. Morris: Detention Hearing as to Michael Joseph Foy held on 1/25/2021 Disposition: Defendant ordered detained. (Court Reporter: Digitally Recorded) (Defendant Attorney: Colleen Fitzharris) (AUSA: Hank Moon) (SOso) (Entered: 01/25/2021)
01/25/2021	<a href="#">13</a>	 Public Audio File of Detention Hearing as to Michael Joseph Foy held on 1/25/2021 before Magistrate Judge Patricia T. Morris. AUDIO FILE SIZE (22.7 MB) (SOso) (Entered: 01/25/2021)
01/25/2021	<a href="#">14</a>	ORDER TRANSFERRING DEFENDANT to Answer Charges Pending in the District of Columbia and Commitment to that District as to Michael Joseph Foy. Signed by Magistrate Judge Patricia T. Morris. (SOso) (Entered: 01/26/2021)
01/27/2021		TEXT-ONLY NOTICE to District of Columbia of Transfer as to Michael Joseph Foy. Your case number is: 21-mj-136. Using your PACER account, you may retrieve the docket sheet and any unrestricted documents and text-only entries. Please note the following documents: <a href="#">7</a> Order Regarding Brady Materials, Initial Appearance - Rule 5(c)(3), <a href="#">13</a> Audio File Upload, Detention Hearing, <a href="#">6</a> Order Scheduling a Detention Hearing, <a href="#">10</a> Memorandum, <a href="#">4</a> Audio File Upload, <a href="#">3</a> Audio File Upload, <a href="#">5</a> Order Appointing Federal Community Defender, <a href="#">14</a> Transferring Defendant to Answer Charges, <a href="#">9</a> Notice of Attorney Appearance - Defendant, <a href="#">2</a> Audio File Upload, <a href="#">8</a> Waiver of Rule 5 Hearings (Formerly Rule 40), <a href="#">1</a> Rule 5(c)(3) Petition for Transfer Proceedings, Removal Hearing, (If you require sealed documents or certified copies, please send a request to InterDistrictTransfer_mied@mied.uscourts.gov. If you require a defendant's payment history, please send a request to financial@mied.uscourts.gov.) (LHos) (Entered: 01/27/2021)