

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,

v.

ETHAN NORDEAN,

Defendant.

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Case No. 1:21-mj-195

**Chief Judge Beryl A. Howell**

**MOTION FOR RELEASE FROM CUSTODY PURSUANT TO 18 U.S.C. § 3060**

Defendant Nordean, through his undersigned counsel, files this motion for release from custody pursuant to 18 U.S.C. § 3060(d).

Defendant Nordean was arrested pursuant to a criminal complaint on February 3, 2021. An initial appearance was held the same day before Chief Magistrate Judge Brian Tsuchida in the Western District of Washington. *U.S. v. Nordean*, 21-mj-67 (W.D. Wash., Feb. 3, 2021). Pursuant to 18 U.S.C. § 3060(a) and Federal Rule of Criminal Procedure 5.1, a preliminary examination for probable cause must be held within 14 days “following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release.” § 3060(b)(1). If a preliminary hearing is not held, the arrested person “*shall* be discharged from custody or from the requirement of bail or any other condition of release. . .” § 3060(d) (emphasis added).

Mr. Nordean has not received a preliminary examination and over 14 days have followed his initial appearance. Accordingly, he must be discharged from custody.

Dated: February 26, 2021

Respectfully submitted.  
DAVID B. SMITH, PLLC

/s/ David B. Smith

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**Certificate of Service**

I hereby certify that on the 26<sup>th</sup> day of February, 2021, I filed the foregoing motion with the Clerk of Court using the CM/ECF system and the Case Administrator Brittany Bryant, which will send a notification of such filing (NEF) to the following CM/ECF user(s):

Jim Nelson  
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And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

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