

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA** :  
 :  
 v. : **Criminal No. 21-cr-154 (RJL)**  
 :  
**WILMAR JEOVANNY** :  
**MONTANO ALVARADO,** :  
 :  
 **Defendant.** :

**STATUS REPORT**

The United States of America, by and through the United States Attorney for the District of Columbia, provides the following Status Report pursuant to the Court’s verbal instructions at the July 14, 2022 Status Conference and subsequent Minute Entry:

1. After conversing with his colleagues, the undersigned is aware of three cases in which an abeyance has been discussed (and in one case, granted) following the government’s June 22, 2022 interlocutory appeal of Judge Nichols’ decision to dismiss the 18 U.S.C. § 1512(c)(2) charge in *U.S. v. Miller*, 21-cr-119-CJN. All three of the cases in which an abeyance has been raised are also before Judge Nichols.
2. First, in *U.S. v Bisignano*, 21-cr-036-CJN, Judge Nichols held the case in abeyance on July 12, 2022 pending the D.C. Circuit ruling on the Section 1512(c)(2) charge in *Miller*. The defendant had previously pled guilty to Section 1512(c)(2) and other counts on August 4, 2021 before moving to withdraw her guilty plea on May 20, 2022 on a claim of actual innocence due to Judge Nichols’ decision in *Miller*.
3. Second, in *U.S. v. Harris*, 21-cr-189-CJN, at a status conference on July 7, 2022, the parties discussed with Judge Nichols the possibility of pausing the case in light of the recent appeal of the Section 1512(c)(2) dismissal in *Miller*. No decision on abeyance

has been made by the Court, and the parties are next scheduled to return before the Court on August 5, 2022.

4. Third, in *U.S. v. Taake*, 21-cr-498-CJN, at a status conference on July 7, 2022, Judge Nichols acknowledged that the defendant's planned motion to dismiss the Section 1512(c)(2) charge could put setting a trial date in the case on hold due to the recent appeal in *Miller*. On July 15, 2022, the defendant filed a motion to dismiss the Section 1512(c)(2) charge. No request for (or decision on) abeyance has been made at this point, and the parties are next scheduled to return before the Court on September 23, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 20th day of July, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.

By: /s/ Samuel S. Dalke  
Samuel S. Dalke  
Assistant United States Attorney – Detailee