

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

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| <b>UNITED STATES OF AMERICA</b> | : |                                |
|                                 | : |                                |
| v.                              | : | <b>Case No. 21-CR-40-TNM-4</b> |
|                                 | : |                                |
| <b>CHRISTOPHER QUAGLIN,</b>     | : |                                |
|                                 | : |                                |
| <b>Defendants.</b>              | : |                                |

**RESPONSE TO DEFENDANT’S  
SECOND MOTION FOR IMMEDIATE PRE-TRIAL RELEASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby respectfully responds to defendant Christopher Quaglin’s second motion for immediate pre-trial release. The Court should deny Quaglin’s second motion for immediate pre-trial release for the same reason the Court denied his first motion for immediate pre-trial release: because Quaglin has an ongoing habeas case ultimately seeking the same relief—release from pre-trial detention. *Compare Quaglin v. Garland et al.*, No. 1:22-cv-1154-TNM, ECF No. 1 at 61, *with* No. 21-cr-49-TNM-4, ECF No. 495 at 8.

In April 2022, Quaglin filed a habeas challenge to the conditions of his confinement at Northern Neck Regional Jail (NNRJ) and sought, among other relief, “prompt release” from pre-trial detention. *Quaglin v. Garland et al.*, No. 1:22-cv-1154-TNM, ECF No. 1 at 61. Quaglin sued both the Attorney General of the United States and the NNRJ Warden, both of whom moved to dismiss the case. *Id.* at ECF Nos. 17, 20. The Court granted the motion to dismiss as to the Attorney General, but construed the NNRJ Warden’s motion to dismiss as one for summary judgment. No. 22-cv-1154-TNM, ECF No. 25 at 1. Quaglin then filed an emergency motion for preliminary injunction and motion for an emergency hearing. No. 22-cv-1154-TNM, ECF No. 26. In light of that motion, the Court entered a briefing schedule for the pending

motion for summary judgment and held Quaglin's request for a hearing in abeyance until the briefing schedule concluded. No. 22-cv-1154-TNM, Minute Order (August 23, 2022).

Before Quaglin responded to the motion for summary judgment in his habeas case, he filed an emergency motion for immediate pre-trial release in his criminal case. No. 21-cr-49-TNM-4, ECF No. 419 (August 21, 2022). The Court held the motion for pre-trial release in abeyance in the criminal case, noting that "[t]his motion challenges Defendant's conditions of confinement, as does Defendant's pending habeas petition before this Court. *See* 22-cv-01154 (TNM). If Defendant wishes to prioritize his conditions of confinement challenge as part of this criminal matter, he may dismiss his habeas petition." No. 21-cr-49-TNM-4, Minute Order (August 22, 2022). Quaglin then filed for an emergency hearing on his pending motion for pre-trial release in his criminal case. No. 21-cr-49-TNM-4, ECF No. 421 (August 22, 2022).

A few days later in his habeas case, Quaglin filed a cross motion for summary judgment and opposition to the NNRJ Warden's motion for summary judgment. No. 22-cv-1154-TNM, ECF Nos. 28, 29 (August 26, 2022). In September 2022, the Court held a motions hearing on all of the pending motions in the habeas case. No. 22-cv-1154-TNM, ECF Minute Order (September 20, 2022). On September 29, 2022, the Court issued an order denying Quaglin's cross motion for summary judgment, and granting the NNRJ Warden's motion for summary judgment. No. 22-cv-1154-TNM, ECF No. 34. The Court also denied Quaglin's emergency motion for preliminary injunction. In the Order, the Court noted that "This is a final, appealable Order." *Id.*

On that same day that the Court denied Quaglin relief in the habeas case, the Court denied Quaglin's motion for release in his criminal case. Case No. 21-cr-49-TNM-4, ECF No. 477 (September 29, 2022). The Court held that, for the reasons stated on the record of the

habeas proceeding, Quaglin's emergency motion for release from custody was denied. *Id.* The Court also noted that Quaglin "already appealed his detention status once in this case" and "the D.C. Circuit summarily affirmed Chief Judge Howell's pretrial detention order." *Id.* at 2 (citing *United States v. Quaglin*, 851 Fed. App'x 218 (D.C. Cir. 2021) (per curiam)).

Then, on October 23, 2022, in his habeas case, Quaglin filed a motion to alter the Court's judgment under Federal Rule of Civil Procedure 59(e). No. 22-cv-1154-TNM, ECF No. 36. In that motion, Quaglin contended that, since the Court held the motions hearing on the NNRJ Warden's motion for summary judgment, "significant new evidence [] emerged that supports many of the allegations in Quaglin's Petition." *Id.* at 3. Quaglin thus moved to reopen discovery in the habeas case. *Id.* at 15. That motion remains outstanding. *See* No. 22-cv-1154-TNM, ECF No. 37 (NNRJ Warden's response); *id.* at ECF No. 38 (Quaglin's reply).

Notwithstanding his active habeas case, Quaglin filed a second motion for release from custody in his criminal case. *See* No. 21-cr-49-TNM-4, ECF No. 495 (November 27, 2022). In that motion, Quaglin seeks release from pre-trial detention. *Id.* at 8.

The Court should deny Quaglin's second motion for release from custody in this criminal case. The Court denied Quaglin's first motion for release from custody that was filed in his criminal case "[b]ecause Quaglin had a parallel civil habeas suit raising the same issue" as the motion in his criminal case. *See* No. 21-cr-40-TNM-4, ECF No. 477 at 1. The Court explained that, "if Defendant wishe[d] to prioritize his conditions of confinement challenge as part of his criminal matter, he may dismiss his habeas petition." *Id.* Quaglin did not dismiss his habeas petition, but instead filed an additional motion seeking release from custody in his habeas case. *Id.* (citing *Quaglin v. Garland et al.*, No. 1:22-cv-1154-TNM, ECF No. 26 (August 26, 2022)). Although the Court resolved that motion, *Quaglin v. Garland et al.*, No. 1:22-cv-1154-TNM,

ECF No. 26 (August 26, 2022), Quaglin's recent Rule 59(e) motion revived his habeas case, *id.* at ECF No. 36. As such, Quaglin is – again – ultimately seeking the same relief in two forums. Therefore, just as the Court previously denied relief in the criminal case while the civil habeas case was ongoing, the Court should do the same here.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On this 12th day of December 2022, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Ashley Akers

Ashley Akers  
Trial Attorney