

Date↑

Description

01/19/2021

COMPLAINT as to TAM DINH PHAM (1). [1:21-mj-00116-ZMF]

[1](#)[1 Attachment](#) ▼

01/20/2021

Arrest of Defendant TAM DINH PHAM in the Southern District of Texas. (Text entry; no document attached.)

02/10/2021

INFORMATION as to TAM DINH PHAM (1) count(s) 1, 2, 3, 4. (zstd)

[3](#)

02/12/2021

ORDER Setting Conditions of Release as to TAM DINH PHAM (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/12/2021. (zpt) (Additional attachment(s) added on 4/22/2021: # 1 Appearance Bond)

[6](#)

02/22/2021

MINUTE ORDER as to TAM DINH PHAM: Pursuant to the Due Process Protections Act, the Court hereby ORDERS that all government counsel shall review their disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Timothy J. Kelly on 02/22/2021. (lctjk3) (Text entry; no document attached.)

02/23/2021

Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to TAM DINH PHAM as to Counts 1, 2, 3, and 4 held on 2/23/2021. Defendant appeared by video. Plea of NOT GUILTY entered as to Counts 1, 2, 3, and 4. Speedy Trial Excludable (XT) started 2/23/2021 through 4/26/2021, in the interest of justice. VTC Status Conference set for 4/26/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorneys: Nicole DeBorde and Ubong Akpan; US Attorney: Nicholas George Miranda. (Text entry; no document attached.)

04/20/2021

NOTICE OF ATTORNEY APPEARANCE: Nicole DeBorde Hochglaube appearing for TAM DINH PHAM (DeBorde Hochglaube, Nicole)

[8](#)

02/11/2021

Arrest Warrant, dated 1/19/2021, returned executed in the U.S. District Court for the District of Columbia on 2/11/2021 as to Defendant TAM DINH PHAM. (kk)

[9](#)

02/11/2021

ORAL MOTION by USA for a Speedy Trial Act Waiver from 2/11/2021 to 2/23/2021 as to Defendant TAM DINH PHAM. (Text entry; no document attached.)

02/11/2021

Minute Entry for Initial Appearance as to TAM DINH PHAM held by video before Magistrate Judge Robin M. Meriweather on 2/11/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear virtually. Notice of right to consular notification is to be given to the defendant at a later date. An Information was filed on 2/10/2021, but the defendant will not be arraigned today. Status Hearing and Arraignment set before Judge Timothy J. Kelly on 2/23/2021 at 2:00 pm. Oral Motion by USA for a Speedy Trial Act Waiver from 2/11/2021 to 2/23/2021, with no objection by the defense, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 11; FTR Time Frames: 1:37:26 - 1:46:52 and 2:07:49 - 2:18:21. Defense Attorneys: Ubong Akpan and Nicole DeBorde Hochglaube; U.S. Attorney: Kelly Smith for Nicholas Miranda; Pretrial Officer: Da'Shanta' Valentine-Lewis. (Text entry; no document attached.)

02/12/2021

NOTICE OF HEARING as to TAM DINH PHAM. VTC Arraignment set for 2/23/2021 at 2:00 PM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. (Text entry; no document attached.)

[10](#)

04/24/2021

Consent MOTION to Continue by USA as to TAM DINH PHAM.

[1 Attachment](#) ▼

04/25/2021

MINUTE ORDER as to TAM DINH PHAM: Upon consideration of the Government's 10 Consent Motion to Continue, it is hereby ORDERED that the status hearing scheduled for April 26, 2021, at 2:00 p.m. is CONTINUED until June 9, 2021, at 2:00 p.m. It is further ORDERED that the time period from April 26, 2021, to June 9, 2021, is EXCLUDED under the Speedy Trial Act, § 3161 et seq. The Court finds for the reasons stated in Standing Orders No. 20-93, In re: Sixth Extension of Postpone Jury Trials Due to Ongoing Exigent Circumstances Caused By the Covid-19 Pandemic, and No. 21-10, In Re: Limited Resumption of Criminal Jury Trials in Light of Current Circumstances Relating to the Covid-19 Pandemic, and after consideration of the specific circumstances of this case, including that discovery productions are ongoing that may facilitate resolution of this matter before trial, that the ends of justice served by this continuance to protect public health and safety outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Timothy J. Kelly on 04/25/2021. (lctjk3) (Text entry; no document attached.)

[11](#)

04/25/2021

NOTICE OF ATTORNEY APPEARANCE: David B Adler appearing for TAM DINH PHAM as Co-Counsel

[14](#)

06/08/2021

Consent MOTION to Continue by USA as to TAM DINH PHAM.

[1 Attachment](#) ▼

06/09/2021

MINUTE ORDER: Upon consideration of the Government's 14 Consent Motion to Continue, it is hereby ORDERED that the 14 Motion is GRANTED. The status conference set for June 9, 2021, at 2:00 p.m. is CONTINUED to August 16, 2021, at 10:00 a.m. It is further ORDERED that the time period from June 9, 2021, to August 16, 2021, is

EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., by consent of the parties. The Court finds for the reasons discussed in the 14 Motion, including that discovery productions are ongoing that may facilitate resolution of this matter before trial, the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Timothy J. Kelly on 06/09/2021. (lctjk3) (Text entry; no document attached.)

[15](#)

07/13/2021

NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Prout, Alison added. Substituting for attorney Nicholas Miranda

[16](#)

08/03/2021

Consent MOTION to Continue August 16 Status Conference by TAM DINH PHAM.

[1 Attachment](#) ▼

[17](#)

08/09/2021

NOTICE of Filing Discovery Letter by USA as to TAM DINH PHAM

[1 Attachment](#) ▼

08/10/2021

MINUTE ORDER: Upon consideration of the Defendant's 16 Unopposed Motion to Continue, it is hereby ORDERED, for good cause shown, that the 16 Motion is GRANTED. The status conference set for August 16, 2021, at 10:00 a.m. is CONTINUED to September 20, 2021, at 10:00 a.m. It is further ORDERED that the time period from August 16, 2021, to September 20, 2021, is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., with the consent of the parties. The Court finds for the reasons discussed in the 16 Motion, including that discovery productions are ongoing that may facilitate resolution of this matter before trial, the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A). Signed by Judge Timothy J. Kelly on 08/10/2021. (lctjk3) (Text entry; no document attached.)

[18](#)

08/11/2021

STATUS REPORT Regarding Status of Discovery by USA as to TAM DINH PHAM

[19](#)

08/24/2021

NOTICE of Filing Discovery Letter by USA as to TAM DINH PHAM

[1 Attachment](#) ▼

09/07/2021

MINUTE ORDER as to TAM DINH PHAM: It is hereby ORDERED that the status conference set for September 20, 2021, at 10:00 a.m. is CONVERTED to a plea hearing. It is further ORDERED that the parties shall submit the following materials to the Court at Kelly\_Chambers@dcd.uscourts.gov by September 13, 2021: (i) any written plea agreement; (ii) any superseding indictment or information; (iii) for each count to which Defendant intends to plead guilty, (a) the elements of the offense, (b) the factual proffer Defendant is prepared to acknowledge, (c) the applicable statutory minimum and maximum penalty, and (d) the estimated Guidelines offense level and range; and (iv) if Defendant is not a United States citizen, written notice as to whether Defendant will be pleading guilty to an

"aggravated felony" as defined by 8 U.S.C. § 1101(a), which would subject Defendant to mandatory deportation. Signed by Judge Timothy J. Kelly on 09/07/2021. (lctjk3) (Text entry; no document attached.)

09/20/2021

Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Plea Agreement Hearing as to TAM DINH PHAM held on 9/20/2021. Defendant appeared by video. Plea of GUILTY entered as to Count 4. REFERRAL TO PROBATION OFFICE for Presentence Investigation. Sentencing Memoranda due by 12/2/2021. VTC Sentencing set for 12/9/2021 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendant: Remains on Personal Recognizance; Court Reporter: Timothy Miller; Defense Attorneys: Nicole DeBorde Hochglaube and David B. Adler; US Attorney: Alison Prout. (Text entry; no document attached.)

[21](#)

09/20/2021

PLEA AGREEMENT as to TAM DINH PHAM.

[22](#)

09/20/2021

STATEMENT OF OFFENSE by USA as to TAM DINH PHAM.

[23](#)

09/20/2021

MEMORANDUM in Support of Guilty Plea by USA as to TAM DINH PHAM.

[24](#)

09/20/2021

MOTION to Withdraw as Attorney by Ubong E. Akpan. by TAM DINH PHAM.

1 Attachment ▼

09/21/2021

MINUTE ORDER as to TAM DINH PHAM: It is hereby ORDERED that the 24 Motion to Withdraw is GRANTED. Attorney Ubong E. Akpan shall withdraw from any further representation of Defendant. (lctjk3) (Text entry; no document attached.)

[25](#)

09/29/2021

NOTICE of Filing Discovery Status Memoranda by USA as to TAM DINH PHAM

2 Attachments ▼

[26](#)

10/13/2021

Unopposed MOTION for Disclosure of Federal Rule of Evidence 6(e) Material and Sealed Material by USA as to TAM DINH PHAM.

1 Attachment ▼

[27](#)

10/13/2021

Unopposed MOTION for Protective Order by USA as to TAM DINH PHAM.

1 Attachment ▼

[28](#)

10/13/2021

PROTECTIVE ORDER granting 27 Motion for Protective Order as to TAM DINH PHAM. See Order for details. Signed by Judge Timothy J. Kelly on 10/13/2021. (lctjk3)

[29](#)

10/13/2021

ORDER granting 26 Motion for Disclosure as to TAM DINH PHAM. See Order for details. Signed by Judge Timothy J. Kelly on 10/13/2021. (lctjk3)

[30](#)

10/22/2021

STATUS REPORT Regarding Status of Discovery as of October 21, 2021 by USA as to TAM DINH PHAM

10/29/2021

MINUTE ORDER as to TAM DINH PHAM: It is hereby ORDERED that the sentencing hearing scheduled for December 9, 2021, at 10:00 AM shall be held in person, in Courtroom 11. Signed by Judge Timothy J. Kelly on 10/29/2021. (lctjk3) (Text entry; no document attached.)

[32](#)

11/06/2021

STATUS REPORT Regarding Status of Discovery as of November 5, 2021 by USA as to TAM DINH PHAM

[33](#)

11/09/2021

Unopposed MOTION to Continue Sentencing by TAM DINH PHAM.

1 Attachment ▼

11/10/2021

MINUTE ORDER as to TAM DINH PHAM granting Defendant's 33 Unopposed Motion to Continue Sentencing. It is hereby ORDERED that the sentencing hearing previously scheduled for December 9, 2021, at 10:00 a.m. is CONTINUED until December 10, 2021, at 10:00 a.m. in Courtroom 11. Signed by Judge Timothy J. Kelly on 11/10/2021. (lctjk3) (Text entry; no document attached.)

[36](#)

12/02/2021

SENTENCING MEMORANDUM by USA as to TAM DINH PHAM

[37](#)

12/03/2021

NOTICE of Filing of Sentencing Exhibits by USA as to TAM DINH PHAM

12/10/2021

Minute Entry for proceedings held before Judge Timothy J. Kelly: Sentencing held on 12/10/2021 as to TAM DINH PHAM as to Count 4. Defendant sentenced to Forty-five (45) days of Incarceration. \$10 Special Assessment, Fine in the amount of \$1,000.00, and Restitution in the amount of \$500.00. Counts 1, 2, and 3 DISMISSED ON ORAL

MOTION OF THE GOVERNMENT. Bond Status of Defendant: Defendant allowed to self surrender; Court Reporter: Timothy Miller; Defense Attorneys: David B. Adler and Nicole DeBorde Hochglaube; US Attorney: Alison Prout; Prob Officer: Aidee Gavito. (Text entry; no document attached.)

[43](#)

12/13/2021

JUDGMENT as to TAM DINH PHAM. Statement of Reasons Not Included. Signed by Judge Timothy J. Kelly on 12/13/2021. (zltf)

[44](#)

12/13/2021

STATEMENT OF REASONS as to TAM DINH PHAM. re 43 Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Timothy J. Kelly on 12/13/2021. (zltf)

[45](#)

12/20/2021

MOTION to File Under Seal Government's Response to Defense's First Amended Motion to Seal by USA as to TAM DINH PHAM.

12/21/2021

MINUTE ORDER as to TAM DINH PHAM granting the Government's 45 Motion to File Under Seal. It is hereby ORDERED that the Government's 45 Motion to File Under Seal is GRANTED. Signed by Judge Timothy J. Kelly on 12/21/2021. (lctjk3) (Text entry; no document attached.)

[47](#)

12/24/2021

REDACTED TRANSCRIPT OF SENTENCING in case as to TAM DINH PHAM before Judge Timothy J. Kelly held on 12-10-21; Page Numbers: 1-81; Date of Issuance: 12-24-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court re porter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov). Redaction Request due 1/14/2022. Redacted Transcript Deadline set for 1/24/2022. Release of Transcript Restriction set for 3/24/2022.

04/26/2022

MINUTE ORDER as to TAM DINH PHAM granting in part and denying in part Defendant's 42 motion to file under seal. Upon consideration of the factors set forth in *United States v. Hubbard*, 650 F.2d 293, 317-22 (D.C. Cir. 1980), it is hereby ORDERED that Defendant's 42 Motion to File Under Seal is GRANTED IN PART and DENIED IN PART. The Court approves Defendant's proposed redactions on pages 2, 3, 14, 15, and 17 of his Sentencing Memorandum, ECF No. 42-2, but rejects Defendant's proposed redaction on page 4. Defendant is further ORDERED to file a revised version of his Sentencing Memorandum with the approved redactions on the public docket by May 13, 2022. Signed by Judge Timothy J. Kelly on 4/26/2022. (lctjk3) (Text entry; no document attached.)

[48](#)

05/06/2022

Unopposed MOTION for Return of Passport by TAM DINH PHAM.

1 Attachment ▼

[49](#)

05/06/2022

SENTENCING MEMORANDUM by TAM DINH PHAM

3 Attachments ▼

05/11/2022

MINUTE ORDER as to TAM DINH PHAM granting Defendant's [48] Unopposed Motion to Return Passport. It is hereby ORDERED that Defendant's [48] Unopposed Motion to Return Passport is GRANTED. The United States Probation Office is directed to return Defendant's passport to him. Signed by Judge Timothy J. Kelly on 5/11/2022. (lctjk3) (Text entry; no document attached.)

05/11/2022

MINUTE ORDER as to TAM DINH PHAM granting Defendant's 48 Unopposed Motion to Return Passport. It is hereby ORDERED that Defendant's 48 Unopposed Motion to Return Passport is GRANTED. The United States Probation Office is directed to return Defendant's passport to him. Signed by Judge Timothy J. Kelly on 5/11/2022. (lctjk3) (Text entry; no document attached.)