

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 14 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
Emmanuel, AKA Edward Francis, AKA
Thompson Fred, AKA Henry Stanford
Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

No. 22-50135

D.C. No. 8:21-cr-00033-JLS-1
Central District of California,
Santa Ana

ORDER

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

The motion to withdraw (Docket Entry No. 3) filed by Correen Ferrentino, Esq., is granted. The district court docket reflects that counsel Ferrentino has been relieved and Patrick William McLaughlin, Esq., has been appointed.

A review of the record, including appellant's arguments in his pro se notice of appeal, demonstrates that this court lacks jurisdiction over the appeal because the district court has not entered a final judgment or order that comes within the collateral order doctrine. *See* 28 U.S.C. § 1291; *Midland Asphalt Corp. v. United*

States, 489 U.S. 794, 798 (1989) (in criminal cases, finality requirement generally “prohibits appellate review until after conviction and imposition of sentence”).

Accordingly, this appeal is dismissed for lack of jurisdiction.

Appellant’s pro se motion (Docket Entry No. 4) “to dismiss case with prejudice for fraud upon the court” is denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 05 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson,
AKA Anthony Brown, AKA Brian
Henry Chaffin, AKA Gregory Allen
Clatterbuck, AKA Stephen Daniel
Edward, AKA Johnson Emmanuel,
AKA Edward Francis, AKA Thompson
Fred, AKA Henry Stanford Jayson,
AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA
Valerie Ramirez, AKA Nelson Irving
Stein, AKA Gregory Paul Timothy,
AKA David Walker,

Defendant - Appellant.

No. 22-50135

D.C. No. 8:21-cr-00033-JLS-1
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered July 14, 2022, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 10 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
Emmanuel, AKA Edward Francis, AKA
Thompson Fred, AKA Henry Stanford
Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

No. 22-50169

D.C. No.
8:21-cr-00033-JLS-1

Central District of California,
Santa Ana

ORDER

This appeal arises from appellant's pro se notice of appeal from his guilty plea. Appeal No. 22-50135, which this court dismissed for lack of jurisdiction on July 14, 2022, arose from a nearly identical pro se notice of appeal from appellant's guilty plea. Accordingly, Appeal No. 22-50169 is dismissed as duplicative of Appeal No. 22-50135.

This order served on the district court acts as the mandate of this court.

FILED

SEP 26 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
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Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

No. 22-50169

D.C. No. 8:21-cr-00033-JLS-1
Central District of California,
Santa Ana

ORDER

The mandate is recalled for the limited purpose of vacating the court's August 10, 2022, order, which erroneously treated this appeal as duplicative, rather than as opened in error. The order at Docket Entry No. 2 is vacated. The Clerk will close this appeal as opened in error.

This order served on the district court acts as the mandate of this court.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. 8:21-cr-00033-JLS-1

Date August 2, 2022

Present: The Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Interpreter None

Dolores Ramos

Not Reported

Not Present

Deputy Clerk

Court Reporter/Recorder

Assistant U.S. Attorney

PROCEEDINGS: (IN CHAMBERS) ORDER

The Court has ordered the filing of Defendant's recent submission, which it construes a motion for self-representation. (See Doc. 36.)

The Court sets the matter for hearing on August 19, 2022 at 9:30 a.m. At that time, the Court will consider the self-representation issue only; the Court defers consideration of Defendant's arguments regarding the plea agreement until a future date.

The sentencing hearing is hereby continued to October 7, 2022 at 11:30 a.m.

The Court recently appointed new CJA counsel, Patrick McLaughlin, who is ordered to appear at the motion hearing. (See Doc. 27.)

Any response to Defendant's motion shall be filed no later than August 12, 2022.

cc: USPO

Initials of Deputy Clerk dr

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. SA CR 21-00033-JLS

Date September 9, 2022

Present: The Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Interpreter Not Applicable

V.R. Vallery

Sheri Kleeger

Jennifer Waier

Deputy Clerk

Court Reporter

Assistant U.S. Attorney

U.S.A. v. Defendant(s): Present Cust. Bond Attorneys for Defendants: Present App. Ret.

Olayinka Fanofo-Idowu ✓ ✓ Patrick McLaughlin ✓ ✓

Proceedings: PETITION REQUESTING WAIVER OF COUNSEL [36]

Hearing is held. Court and counsel confer. Government counsel is excused from the courtroom. Court questions the defendant and defense counsel. The Court finds defense counsel has effectively represented the defendant. The Court declines to appoint new counsel.

Government counsel returns to the courtroom. The Court instructs government counsel to describe the charges and elements of the case. After further discussion with the Court, the defendant withdraws his request to represent himself. The Court orders a portion of the proceedings under seal.

MIME-Version:1.0 From:cacd_ecfmail@cacd.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34344299@cacd.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famofo-Idowu Minutes of In Chambers Order/Directive - no proceeding held Content-Type: text/html

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the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of
each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 8/2/2022 at 5:29 PM PDT and filed on 8/2/2022

Case Name: USA v. Famofo-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 37

Docket Text:

MINUTES (IN CHAMBERS) ORDER by Judge Josephine L. Staton as to Defendant Olayinka Famofo-Idowu: The Court has ordered the filing of Defendant's recent submission, which it construes a Motion to Self-representation (See Doc. [36].) The Court sets the matter for hearing on 8/19/2022 at 09:30 AM. The Sentencing is hereby continued to 10/7/2022 at 11:30 AM. Any response to Defendant's Motion shall be filed no later than 8/12/2022. (jp)

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov
Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,
usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov
Patrick William McLaughlin pwmclaughlin50@gmail.com

8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

Olayinka Famofo-Idowu
Santa Ana Jail
P.O. Box 22003
Santa Ana CA 92701
US

1 STEPHANIE S. CHRISTENSEN
2 Acting United States Attorney
3 BENJAMIN R. BARRON
4 Assistant United States Attorney
5 Chief, Santa Ana Branch Office
6 JENNIFER L. WAIER (Cal Bar No. 209813)
7 Assistant United States Attorneys
8 411 W. Fourth Street, Suite 8000
9 Santa Ana, California 92701
10 Telephone: (714) 338-3550
11 Facsimile: (714) 338-3708
12 E-mail: Jennifer.Waier@usdoj.gov

13 Attorneys for Plaintiff
14 UNITED STATES OF AMERICA

15 UNITED STATES DISTRICT COURT

16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Case No. SA CR 21-33-JLS

19 Plaintiff,

20 v.
21 STIPULATION TO CONTINUE BRIEFING
22 SCHEDULE AND HEARING DATE
23 REGARDING DEFENDANT'S MOTION FOR
24 SELF-REPRESENTATION

25 OLAYINKA FAMOFO-IDOWU,

26 [Proposed] New Hearing Date:
27 September 9, 2022 at 8:30 a.m.

28 Defendant.

29 Plaintiff United States of America, by and through its counsel
30 of record, the Acting United States Attorney for the Central
31 District of California and Assistant United States Jennifer L.
32 Waier, and defendant OLAYINKA FAMOFO-IDOWU, by and through his
33 counsel of record, Patrick McLaughlin, hereby stipulate as follows:

34 1. On August 1, 2022, defendant filed a pro se motion to
35 represent himself because Mr. McLaughlin, defendant's current CJA
36 attorney, refuses to file a "nunc pro tunc motion to dismiss the
37 indictment with prejudice." (Dkt. 36.)

38

1 2. On August 2, 2022, this Court set the matter for hearing
2 on August 19, 2022 at 9:30 a.m. and ordered any response to
3 defendant's motion be filed no later than August 12, 2022.

4 3. On August 8, 2022, defendant, although represented by
5 Mr. McLaughlin, filed a second ~~pro se~~ appeal with the Ninth Circuit.

6 4. On August 10, 2022, the Ninth Circuit, just as it did with
7 defendant's first appeal, dismissed defendant's second appeal for
8 lack of jurisdiction. The mandate has not yet been issued.

9 5. Because Mr. McLaughlin is out of town on August 19, 2022,
10 the parties request that the hearing date be continued to
11 September 9, 2022. In light of the continued hearing date, the
12 parties request that any response to defendant's motion be due no
13 later than September 2, 2022.

14 IT IS SO STIPULATED.

15 Dated: August 11, 2022

STEPHANIE S. CHRISTENSEN
Acting United States Attorney

16
17 BENJAMIN R. BARRON
Assistant United States Attorney
Chief, Santa Ana Branch Office

19 /s/ JLW
20 JENNIFER L. WAIER
Assistant United States Attorneys

21 Attorneys for Plaintiff
UNITED STATES OF AMERICA

25 | Dated: August 11, 2022

Patrick W. McLaughlin/JLW
PATRICK W. MC LAUGHLIN
Attorney for Defendant
OLAYINKA FAMOEO-IDOWU

MIME-Version:1.0 From:cacd_ecfmail@cacd.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34416933@cacd.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famofo-Idowu Order on Stipulation Content-Type: text/html

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 8/16/2022 at 10:52 AM PDT and filed on 8/15/2022

Case Name: USA v. Famofo-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 42

Docket Text:

**ORDER Continuing Briefing Schedule and Hearing Date Regarding Defendant's Motion for
Self-Representation [40] by Judge Josephine L. Staton that the hearing date for defendant
OLAYINKA FAMOFO-IDOWU's pro se motion to represent himself is continued from
8/19/2022 at 9:30 AM., to 9/9/2022 at 08:30 AM. In light of the continued hearing date, any
response to defendant's motion is due no later than 9/2/2022. (jp)**

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov
Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,
usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov
Patrick William McLaughlin pwmclaughlin50@gmail.com

**8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY
THE FILER to :**

Olayinka Famofo-Idowu
Santa Ana Jail
P.O. Box 22003
Santa Ana CA 92701
US

MIME-Version:1.0 From:cacd_ecfmail@cacd.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34647575@cacd.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famofo-Idowu Order to Continue Trial, Change of Plea or Sentencing Content-Type: text/html

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each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 9/27/2022 at 5:42 PM PDT and filed on 9/27/2022

Case Name: USA v. Famofo-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 48

Docket Text:

**ORDER CONTINUING SENTENCING DATE [46] by Judge Josephine L. Staton that
Defendant Olayinka Famofo-Idowu Sentencing is continued from 10/7/2022 to 1/20/2023 at 9:30
AM. (jp)**

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov
Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,
usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov
Patrick William McLaughlin pwmclaughlin50@gmail.com

**8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY
THE FILER to :**

Olayinka Famofo-Idowu
Santa Ana Jail
P.O. Box 22003
Santa Ana CA 92701
US

NOTE: CHANGES MADE BY THE COURT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
OLAYINKA FAMOFO-IDOWU,
Defendant.

CASE NO. SA CR-21-00033-JLS

**ORDER CONTINUING DEFENDANT
OLAYINKA FAMOFO-IDOWU'S
SENTENCING DATE**

Current Date: October 7, 2022
New Date: **January 20, 2023**
Time: 9:30 a.m.

Upon consideration of the parties' stipulation and good cause having been shown, IT IS HEREBY ORDERED that Defendant Olayinka Famofo-Idowu's sentencing is continued from October 7, 2022 to **January 20, 2023 at 9:30 a.m.**

DATED: September 27, 2022

HONORABLE JOSEPHINE L. STATON
United States District Judge

Prior Expired Plea Agreement
1st Plea Agreement

1 TRACY L. WILKISON
2 Acting United States Attorney
3 SCOTT M. GARRINGER
4 Assistant United States Attorney
5 Chief, Criminal Division
6 VIBHAV MITTAL (Cal. Bar No. 257874)
7 Assistant United States Attorney
8 Deputy Chief, Santa Ana Branch Office
9 8000 United States Courthouse
10 411 West Fourth Street
11 Santa Ana, California 92701
12 Telephone: (714) 338-3534
13 Facsimile: (714) 338-3708
14 E-mail: vibhav.mittal@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. SA CR 21-33-JLS

21 Plaintiff,

22 v.
23 PLEA AGREEMENT FOR DEFENDANT
OLAYINKA FAMOFO-IDOWU

24 OLAYINKA FAMOFO-IDOWU,

25 Defendant.

26 1. This constitutes the plea agreement between OLAYINKA
27 FAMOFO-IDOWU, ("defendant") and the United States Attorney's Office
28 for the Central District of California (the "USAO") in the above-
captioned case. This agreement is limited to the USAO and cannot
bind any other federal, state, local, or foreign prosecuting,
enforcement, administrative, or regulatory authorities.

29 / DEFENDANT'S OBLIGATIONS

30 2. Defendant agrees to:

31 a. At the earliest opportunity requested by the USAO and
32 provided by the Court, appear and plead guilty to counts one and
33 twenty of the indictment in United States v. Famofo-Idowu, SA CR No.

1 21-33-JLS, which charges defendant with wire fraud, in violation of
2 18 U.S.C. § 1343, and marriage fraud conspiracy, in violation of 18
3 U.S.C. § 371.

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime or any act constituting
11 obstruction of justice; however, offenses that would be excluded for
12 sentencing purposes under United States Sentencing Guidelines
13 ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the
14 scope of this agreement.

15 * f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessments at or before
18 the time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 h. Consent to extradition in the Netherlands.

21 i. Agree that all court appearances, including his
22 change of plea hearing and sentencing hearing, may proceed by video-
23 teleconference ("VTC") or telephone, if VTC is not reasonably
24 available, so long as such appearances are authorized by Order of the
25 Chief Judge No. 21-031 or another order, rule, or statute.

26 Defendant understands that, under the Constitution, the United States
27 Code, the Federal Rules of Criminal Procedure (including Rules 11,
28 32, and 43), he may have the right to be physically present at these

1st Plea Agreement

1 hearings.. Defendant understands that right and, after consulting
2 with counsel, voluntarily agrees to waive it and to proceed remotely.
3 Defense counsel also joins in this consent, agreement, and waiver.
4 Specifically, this agreement includes, but is not limited to, the
5 following:

6 i. Defendant consents under Federal Rules of
7 Criminal Procedure 5(f) and 10(c) and Section 15002(b) of the CARES
8 Act to proceed with his initial appearance and arraignment by VTC or
9 telephone, if VTC is not reasonably available.

10 ii. Defendant consents under Section 15002(b) of the
11 CARES Act to proceed with his waiver of indictment, under Federal
12 Rule of Criminal Procedure 7(b), by VTC or telephone, if VTC is not
13 reasonably available.

14 iii. Defendant consents under Section 15002(b) of the
15 CARES Act to proceed with his change of plea hearing by VTC or
16 telephone, if VTC is not reasonably available.

17 iv. Defendant consents under Section 15002(b) of the
18 CARES Act to proceed with his sentencing hearing by VTC or telephone,
19 if VTC is not reasonably available.

20 v. Defendant consents under 18 U.S.C. § 3148 and
21 Section 15002(b) of the CARES Act to proceed with any hearing
22 regarding alleged violations of the conditions of pre-trial release
23 by VTC or telephone, if VTC is not reasonably available.

24 j. Defendant further agrees:

25 i. To forfeit all right, title, and interest in and
26 to any and all property, real or personal, constituting or derived
27 from, any proceeds which the defendant obtained, directly or
28 indirectly, from any such offense, and used, or intended to be used,

1 in any manner or part to commit, or used to facilitate the commission
2 of, or involved in the illegal activity to which defendant is
3 pleading guilty, specifically including, but not limited to:

- 4 • Any bank funds seized pursuant to the investigation
5 into the Defendant's conduct;
- 6 • One 2013 Kia (vehicle), Temporary Texas Tag 81971E2,
7 VIN: 5XXGN4A79DG241286; and
- 8 • One 2017 Lexus (vehicle), Temporary Colorado Tag
9 2141621, VIN: 2T2BZMCA7HC078864; (collectively, the
10 "Forfeitable Property").

11 ii. To the Court's entry of an order of forfeiture at
12 or before sentencing with respect to the Forfeitable Property and to
13 the forfeiture of the property.

14 iii. That the Preliminary Order of Forfeiture shall
15 become final as to the defendant upon entry.

16 iv. To take whatever steps are necessary to pass to
17 the United States clear title to the Forfeitable Property, including,
18 without limitation, the execution of a consent decree of forfeiture
19 and the completing of any other legal documents required for the
20 transfer of title to the United States.

21 v. Not to contest any administrative forfeiture
22 proceedings or civil judicial proceedings commenced against the
23 Forfeitable Property. If defendant submitted a claim and/or petition
24 for remission for all or part of the Forfeitable Property on behalf
25 of himself or any other individual or entity, defendant shall and
26 hereby does withdraw any such claims or petitions, and further agrees
27 to waive any right he may have to seek remission or mitigation of the
28

1st Plea Agreement

1 forfeiture of the Forfeitable Property. Defendant further waives any
2 and all notice requirements of 18 U.S.C. § 983(a)(1)(A).

3 vi. Not to assist any other individual in any effort
4 falsely to contest the forfeiture of the Forfeitable Property.

5 vii. Not to claim that reasonable cause to seize the
6 Forfeitable Property was lacking.

7 viii. To prevent the transfer, sale, destruction,
8 or loss of any and all property described above to the extent
9 defendant has the ability to do so.

10 ix. To fill out and deliver to the USAO a completed
11 financial statement listing defendant's property on a form provided
12 by the USAO.

13 x. That forfeiture of Forfeitable Property shall not
14 be counted toward satisfaction of any special assessment, fine,
15 restitution, costs, or other penalty the Court may impose.

16 xi. With respect to any criminal forfeiture ordered
17 as a result of this plea agreement, defendant waives: (1) the
18 requirements of Federal Rules of Criminal Procedure 32.2 and 43(a)
19 regarding notice of the forfeiture in the charging instrument,
20 announcements of the forfeiture at sentencing, and incorporation of
21 the forfeiture in the judgment; (2) all constitutional and statutory
22 challenges to the forfeiture (including by direct appeal, habeas
23 corpus or any other means); and (3) all constitutional, legal, and
24 equitable defenses to the forfeiture of the Forfeitable Property in
25 any proceeding on any grounds including, without limitation, that the
26 forfeiture constitutes an excessive fine or punishment. Defendant
27 acknowledges that the forfeiture of the Forfeitable Property is part
28 of the sentence that may be imposed in this case and waives any

2nd plea Agreement

1 TRACY L. WILKISON
2 United States Attorney
3 SCOTT M. GARRINGER
4 Assistant United States Attorney
5 Chief, Criminal Division
6 JENNIFER L. WAIER (Cal. Bar No. 209813)
7 Assistant United States Attorney
8 Santa Ana Branch Office
9 United States Courthouse
10 411 West Fourth Street, Suite 8000
11 Santa Ana, California 92701
12 Telephone: (714) 338-3550
13 Facsimile: (714) 338-3708
14 E-mail: Jennifer.Waier@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 SOUTHERN DIVISION

20 UNITED STATES OF AMERICA,

21 Case No. SA CR 21-33-JLS

22 Plaintiff,

23 PLEA AGREEMENT FOR DEFENDANT
24 OLAYINKA FAMOFO-IDOWU

v.

25 OLAYINKA FAMOFO-IDOWU,

26 Defendant.

27 1. This constitutes the plea agreement between OLAYINKA
28 FAMOFO-IDOWU ("defendant") and the United States Attorney's Office
for the Central District of California (the "USAO") in the above-
captioned case. This agreement is limited to the USAO and cannot
bind any other federal, state, local, or foreign prosecuting,
enforcement, administrative, or regulatory authorities.

29 DEFENDANT'S OBLIGATIONS

30 2. Defendant agrees to:

31 a. At the earliest opportunity requested by the USAO and
32 provided by the Court, appear and plead guilty to counts one and

2nd PLEA Agreement

1 twenty of the indictment in United States v. Famofo-Idowu, Case No.
2 SA CR 21-33-JLS, which charges defendant with wire fraud, in
3 violation of 18 U.S.C. § 1343, and marriage fraud conspiracy, in
4 violation of 18 U.S.C. § 371.

5 b. Not contest facts agreed to in this agreement.

6 c. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 d. Appear for all court appearances, surrender as ordered
9 for service of sentence, obey all conditions of any bond, and obey
10 any other ongoing court order in this matter.

11 e. Not commit any crime; however, offenses that would be
12 excluded for sentencing purposes under United States Sentencing
13 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
14 within the scope of this agreement.

15 f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessments at or before
18 the time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 h. Defendant agrees to forfeit to the FBI the following
21 four digital devices seized from defendant at time of his arrest in
22 Amsterdam: (1) a black TCL cell phone; (2) a black Samsung cell
23 phone with IMEI 355454110076197; (3) a black Samsung cell phone with
24 IMEI 355356114740688; and (4) a black Samsung cell phone with IMEI
25 355464113295272 and a T-Mobile SIM card with the numbers
26 8901260192738409987 60.50 TM9263.