

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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AMIR GOLESTAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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**APPENDIX TO PETITION FOR WRIT OF CERTIORARI**

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**PUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-4583**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AMIR GOLESTAN,

Defendant - Appellant.

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**No. 23-4592**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICFO, LLC,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at  
Charleston. Richard Mark Gergel, District Judge. (2:19-cr-00441-RMG-1)

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Argued: January 31, 2025

Decided: August 22, 2025

Amended: August 25, 2025

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Before DIAZ, Chief Judge, HARRIS and BERNER, Circuit Judges.

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Affirmed by published opinion. Judge Berner wrote the opinion, in which Chief Judge Diaz and Judge Harris joined.

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**ARGUED:** Jeremy A. Thompson, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Columbia, South Carolina; Richard Klugh, LAW OFFICE OF RICHARD C. KLUGH PH1, Miami, Florida, for Appellants. Andrea Gwen Hoffman, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee. **ON BRIEF:** Adair F. Boroughs, United States Attorney, Columbia, South Carolina, Amy F. Bower, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

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BERNER, Circuit Judge:

Amir Golestan was the founder and CEO of Micfo, LLC, a technology company. Golestan pled guilty, on behalf of himself and on behalf of his company, to 20 counts of wire fraud for fraudulently obtaining and reselling Internet Protocol addresses. After the guilty pleas had been entered, Golestan moved to withdraw them, arguing that intervening Supreme Court precedent invalidated the theory of prosecution for the wire fraud convictions. The district court denied Golestan's motion.

Golestan also maintains that the district court erred in failing to advise him of the immigration consequences of his guilty plea and that his counsel was ineffective for failing to advise him of those consequences. Separately, Micfo asserts that Golestan lacked the requisite authority to enter guilty pleas on its behalf.

We affirm the judgments of conviction for both Golestan and Micfo.

## I. Factual Background

### A. IP Addresses and ARIN

This case concerns Internet Protocol (or IP) addresses. An IP address is a unique numeric label assigned to each device, such as a computer or smartphone, that connects to the Internet to send and receive information. In the United States, a single nonprofit organization, the American Registry for Internet Numbers (ARIN), is responsible for administering, allocating, and assigning IP addresses. When an individual or an entity wants to obtain an IP address, it submits a request to ARIN. An analyst then reviews the request and assigns a new IP address or transfers an existing one. Recipients are required

to enter into a Registration Services Agreement with ARIN prior to being assigned IP addresses.

There are several versions of IP addresses, most recently version four, IPv4, and version six, IPv6. IPv4 addresses are considered to be more valuable than their IPv6 counterparts principally due to their compatibility with existing networks and infrastructure, which were designed with IPv4 in mind. IPv4 addresses are limited. Although the global pool of free IPv4 addresses was exhausted in 2011, ARIN still had its own pool of IPv4 addresses. As a result of the high demand for IPv4 addresses, “ARIN often required justification and customer identification for additional IPv4 address blocks” to verify the validity of IPv4 requests. J.A. 22.<sup>1</sup> ARIN eventually exhausted its allocation of free IPv4 addresses in 2015. Although a secondary market now exists outside of ARIN to purchase, sell, and transfer IPv4 addresses, ARIN maintains a role in this process by overseeing the transfer of IP addresses from user to user.

## B. Criminal Scheme

Amir Golestan was the owner and CEO of Micfo, LLC (Micfo). Micfo purported to provide hosting services to Internet providers and businesses to allow these entities to display their websites on the Internet. This sometimes required Micfo to allocate IP addresses to its customers.

Initially, Micfo requested IPv4 addresses lawfully and in accordance with ARIN’s policies and procedures. By 2014, however, Micfo began to engage in a criminal scheme

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<sup>1</sup> Citations to “J.A.” refer to the Joint Appendix filed by the parties in this appeal.

to obtain IP addresses from ARIN. Golestan and Micfo created several fictitious companies, collectively referred to as “Channel Partners,” to justify the need to be assigned more IP addresses from ARIN. Golestan even invented fictitious individuals who he represented were officers of the Channel Partners and submitted fraudulent documentation to ARIN under the names of these fictitious individuals. Through the Channel Partners, Golestan then began to request IPv4 addresses directly from ARIN. In total, Micfo and the Channel Partners obtained approximately 1.3 million IPv4 addresses through this fraudulent scheme.

Golestan sold some of the IPv4 addresses through third party brokers. Through this scheme he made approximately \$3.3 million in profits. When Golestan attempted to sell the rights to additional IPv4 addresses, however, his criminal plot was uncovered. ARIN “red flagged” Golestan’s attempt to sell \$6 million worth of IPv4 addresses and blocked the transfer of these IPv4 addresses. J.A. 217–18.

### C. Procedural History

A federal grand jury indicted Golestan and Micfo, as a corporate defendant, on 20 counts of wire fraud, in violation of 18 U.S.C. § 1343.

#### 1. Motion to Dismiss the Indictment

Golestan and Micfo moved to dismiss the indictment, arguing that it was defective because it failed to allege facts that, even if true, could sustain a violation of the wire fraud statute. Golestan and Micfo asserted that they did not obtain money or property by means of false or fraudulent pretenses because IP addresses are not “property” within the meaning of the wire fraud statute. The Government responded that the rights to use and assign an IP

address satisfies the relevant definition of property. The district court agreed with the Government and denied the motion to dismiss.

## 2. Bench Trial

The parties proceeded to a bench trial, where Golestan and Micfo were represented by the same defense counsel. During the first day and a half of trial, the Government presented eight witnesses. Although defense counsel had repeatedly informed the court of Golestan's plan to present evidence to show that the Channel Partners were legally recognized entities, his defense counsel subsequently stated that he was unable to produce such evidence. Defense counsel asked the district court for time to confer with the Government. Following a 30-minute break, Golestan and Micfo moved for a change of plea from not guilty on all counts to guilty.

That same day, the district court proceeded with a plea colloquy. Golestan first pled guilty in his personal capacity. Relevant to this appeal, the district court did not mention any immigration consequences that could result to Golestan from pleading guilty to wire fraud. Indeed, the only mention of Golestan's citizenship was in the following colloquy:

THE COURT: Mr. Golestan, what is your citizenship status?

THE DEFENDANT: I'm a naturalized United States citizen.

THE COURT: Now that I've discussed your rights with you, sir, do you still wish to plead guilty?

THE DEFENDANT: Yes, Your Honor.

J.A. 430.

Following his guilty plea, Golestan also pled guilty in his corporate capacity on behalf of Micfo. During the plea colloquy, Golestan confirmed that he had the authority to enter a guilty plea on behalf of the company:



THE COURT: Now I've gone through—what was your title with Micfo?

THE DEFENDANT: I was the Executive Director. However, initially, when I filed for Chapter 11 personal bankruptcy, I was later voluntarily converted it into Chapter 7. And as a result of the conversion, the hundred percent membership interest became the interest of the bankruptcy state.

THE COURT: Well—

THE DEFENDANT: And now I have been essentially elected as the manager of the company.

THE COURT: Okay. And you have the capacity to plead the corporation guilty, do you not?

THE DEFENDANT: Yes, Your Honor. . . .

THE COURT: And you're pleading Micfo guilty to all 20 counts?

THE DEFENDANT: That is correct, Your Honor.

J.A. 438–39.

The district court accepted Golestan's guilty plea both on behalf of himself and Micfo.

The district court rescheduled Golestan and Micfo's sentencing several times, resulting in an approximately 17-month lapse between the change of plea hearing and Golestan and Micfo's sentencing. During this period, the parties completed supplemental briefing, requested additional time to file objections to the presentence investigation report (PSR), and the Government moved to revoke Golestan's bond, among other proceedings and motions.

### 3. Motion to Continue Sentencing

Golestan moved to continue his sentencing until the Supreme Court decided the then-recently argued case of *Ciminelli v. United States*, 598 U.S. 306 (2023). The district court denied Golestan's motion, concluding that the theory of wire fraud liability at issue

in *Ciminelli* was inapplicable to Golestan, who pled guilty based on traditional wire fraud principles.

#### 4. Motion to Withdraw Guilty Plea

One day after the district court's denial of his motion to continue, Golestan moved to withdraw his guilty plea. He asserted that he was legally innocent because his conduct did not meet the statutory requirements for federal wire fraud, incorporating his *Ciminelli* arguments from his motion to continue, and he argued that Federal Rule of Criminal Procedure 11(b)(1)(O) required the district court to advise him that denaturalization was a possible immigration consequence of his guilty plea. In a single sentence, without any further explanation, Golestan also noted that he "has been told that he might not have had the ability to act on behalf of Micfo because he was only a manager/employee and not a member or officer of the company." J.A. 451.

The district court denied Golestan and Micfo's motion to withdraw their guilty pleas.<sup>2</sup> The district court ruled that *Ciminelli* did not impact Golestan's guilty plea because that case involved the "right-to-control" theory of wire fraud, a theory only followed in the Second Circuit. Here the Government had relied on traditional wire fraud principles. The district court also ruled that, because Golestan was a naturalized American citizen, Rule 11 did not require the district court to advise Golestan at his plea colloquy that he may be at risk of deportation. Finally, with respect to Micfo's guilty pleas, the district court noted that

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<sup>2</sup> The district court interpreted Golestan's motion to withdraw his guilty plea as a motion to withdraw both Golestan and Micfo's guilty pleas. We adopt this interpretation for purposes of our analysis.

Golestan affirmatively represented under oath during the plea colloquy that he had the authority to enter the plea on Micfo's behalf. The district court concluded that Golestan's generalized assertion that "someone" told him that he lacked the requisite authority to enter a plea on behalf of the company is not sufficient to affect the validity of the plea. Golestan filed a motion to reconsider, which the district court subsequently denied.

## 5. Sentencing

The district court sentenced Golestan to 60 months' incarceration and ordered him to pay approximately \$77,000 in restitution. It sentenced Micfo to 30 days' probation. It also ordered Golestan and Micfo to forfeit any rights to enumerated IP addresses and \$3.3 million of profits from the fraudulent sales. This timely appeal followed.

## II. Analysis

Golestan and Micfo contend that the district court erred in denying their motions to withdraw their guilty pleas. They principally argue that the Government charged them with wire fraud under a theory of liability made impermissible by *Ciminelli v. United States*, 598 U.S. 306 (2023). Golestan also maintains that the district court erred in failing to advise him of the immigration consequences of his guilty plea and that his counsel was ineffective for failing to advise him of those consequences. Micfo separately asserts that Golestan

lacked the requisite authority to enter a guilty plea on its behalf. We address these arguments in turn.

#### A. Withdrawal of Golestan's Guilty Plea

A district court's denial of a motion to withdraw a guilty plea is reviewed under the abuse of discretion standard. *United States v. Mayberry*, 125 F.4th 132, 140–41 (4th Cir. 2025). “A district court abuses its discretion when it acts in an arbitrary manner, when it fails to consider judicially-recognized factors limiting its discretion, or when it relies on erroneous factual or legal premises.” *United States v. Nicholson*, 676 F.3d 376, 383 (4th Cir. 2012) (quoting *United States v. Henry*, 673 F.3d 285, 291 (4th Cir. 2012)). Federal Rule of Criminal Procedure 11(d)(2)(B) permits a defendant to withdraw a guilty plea before sentencing if “the defendant can show a fair and just reason for requesting the withdrawal.” The defendant bears the “heavy burden of persuasion” to show that such a fair and just reason exists. *United States v. Thompson-Riviere*, 561 F.3d 345, 348 (4th Cir. 2009) (citation omitted).

##### 1. Failure to Provide an Immigration Warning at the Plea Colloquy

Golestan maintains that the district court abused its discretion in denying his motion to withdraw his guilty plea because the district court had failed to advise him of the immigration consequences of his guilty plea in violation of Federal Rule of Criminal Procedure 11(b)(1)(O). Although we agree that the district court erred in failing to provide this warning, we find its failure to do so harmless.

Rule 11 of the Federal Rules of Criminal Procedure standardized the procedure for entering guilty pleas in federal criminal proceedings. *United States v. Damon*, 191 F.3d

561, 564 (4th Cir. 1999). It “provides that the court must personally inform the defendant of, and ensure that he understands, the nature of the charges against him and the consequences of his guilty plea.” *Id.*

At issue here is Rule 11(b)(1)(O), which mandates that district courts “*must* inform the defendant of, and determine that the defendant understands” that “if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.” Fed. R. Crim. P. 11(b)(1)(O) (emphasis added). The Advisory Committee Notes explain that “the most effective and efficient method of conveying this information is to provide it to every defendant, without attempting to determine the defendant’s citizenship.” Fed. R. Civ. P. 11(b)(1)(O) Advisory Committee’s Note to 2013 Amendment. The Rule was amended following the Supreme Court’s decision in *Padilla v. Kentucky*, 559 U.S. 356 (2010). There, the Court held that the Sixth Amendment requires defense counsel to inform her client whether her guilty plea carries a risk of deportation. *Id.* at 374–75. The importance of the conveyance of the information in Rule 11 cannot be overstated. Immigration consequences—whether they be deportation or denaturalization—can have devastating outcomes on individuals, their families, and their communities. “[D]enaturalization, like deportation, may result in the loss ‘of all that makes life worth living.’” *Knauer v. United States*, 328 U.S. 654, 659 (1946) (citation omitted). The Supreme Court has described denaturalization and deportation as severe penalties. *Padilla*, 559 U.S. at 365 (citation omitted); *Klapprott v. United States*, 335 U.S. 601, 612 (1949); see *Schneiderman v. United States*, 320 U.S. 118, 122 (1943) (explaining that American

citizenship provides “priceless benefits”); *Delgadillo v. Carmichael*, 332 U.S. 388, 391 (1947) (“Deportation can be the equivalent of banishment or exile. The stakes are indeed high and momentous for the [noncitizen] who has acquired his residence here.”).

Any “variance from the requirements” of Rule 11, including a failure to inform a defendant of the enumerated rights in Rule 11(b)(1), is reviewed for harmless error. Fed. R. Crim. P. 11(h). An error is harmless if it does not affect “substantial rights.” *Id.*; see *United States v. DeFusco*, 949 F.2d 114, 116–17 (4th Cir. 1991). In determining whether a Rule 11 error affected a defendant’s substantial rights, we must consider “what information was provided to the defendant when he pleaded guilty, what additional information would have been provided by a proper Rule 11 colloquy, and how the additional information would have affected the decision to plead guilty.” *United States v. Hairston*, 522 F.3d 336, 341 (4th Cir. 2008). If our review of the record indicates that the district court’s failure “‘influenced the defendant’s decision to plead guilty’ and ‘impaired his ability to evaluate with eyes open the direct attendant risks of accepting criminal responsibility,’ then substantial rights were violated.” *United States v. Thorne*, 153 F.3d 130, 133 (4th Cir. 1998) (citation omitted). The Government bears the burden to prove an error was harmless. *Hairston*, 522 F.3d at 341; see also *United States v. Vonn*, 535 U.S. 55, 62 (2002).

Golestan is a naturalized United States citizen who was born in Iran. Although Golestan was charged with criminal conduct that began prior to his naturalization, Golestan’s pre-naturalization conduct for which he was indicted, arrested, and convicted

of after being naturalized could subject him to denaturalization. *See United States v. Jean-Baptiste*, 395 F.3d 1190, 1192–94 (11th Cir. 2005).<sup>3</sup>

The district court erred by failing to inform Golestan of immigration consequences if he entered a guilty plea as mandated by Federal Rule of Criminal Procedure 11(b)(1)(O). Indeed, at oral argument, the Government agreed that the district court’s failure to read the warning was error.<sup>4</sup> That does not end our analysis, however. If a criminal defendant demonstrates that the district court abused its discretion by failing to give a Rule 11(b)(1)(O) warning, the burden shifts to the prosecution to prove that the error was harmless.

Here, the Government met this burden. The district court’s failure to provide the Rule 11(b)(1)(O) advice did not affect Golestan’s substantial rights. The text of the Rule references only immigration consequences for those individuals who are *not* United States citizens. Fed. R. Crim. P. 11(b)(1)(O). At the time Golestan pled guilty, he was a citizen of the United States, and he remains a citizen today. Thus, a warning meant for those who are not United States citizens would not have put Golestan on notice of the potential immigration consequences.

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<sup>3</sup> The Immigration and Naturalization Act permits the revocation of an individual’s naturalization. 8 U.S.C. § 1451(a). The United States has the burden to present “clear, unequivocal, and convincing” evidence to justify revocation of citizenship. *Fedorenko v. United States*, 449 U.S. 490, 505 (1981) (citation omitted).

<sup>4</sup> Because we conclude that the district court erred on this basis, we need not reach the question of whether the district court also erred in concluding that a naturalized citizen is not subject to deportation.

We also emphasize the context in which Golestan entered his plea. Golestan's counsel had informed the district court that he was unable to present evidence that was crucial to Golestan's defense, and the Government had presented overwhelming evidence of Golestan's criminal conduct through the testimony of eight witnesses. Under the circumstances, Golestan has not shown "a reasonable probability that, but for the error, he would not have entered the plea." *United States v. Dominguez Benitez*, 542 U.S. 74, 76 (2004).

## 2. Theory of Prosecution under *Ciminelli*

Golestan and Micfo next contend that the district abused its discretion in denying their motion to withdraw their guilty pleas because they were prosecuted on an invalid theory of criminal liability. Six non-exclusive factors guide the district court's analysis in ruling on a defendant's motion to withdraw his guilty plea. *Mayberry*, 125 F.4th at 141. Those factors include:

(1) whether the defendant has offered credible evidence that his plea was not knowing or not voluntary, (2) whether the defendant has credibly asserted his legal innocence, (3) whether there has been a delay between the entering of the plea and the filing of the motion, (4) whether defendant has had close assistance of competent counsel, (5) whether withdrawal will cause prejudice to the government, and (6) whether it will inconvenience the court and waste judicial resources.

*United States v. Moore*, 931 F.2d 245, 248 (4th Cir. 1991). "The factors that speak most straightforwardly to the question whether the movant has a fair and just reason to upset settled systemic expectations by withdrawing her plea are the first, second, and fourth."



*United States v. Sparks*, 67 F.3d 1145, 1154 (4th Cir. 1995). We find no abuse of discretion in the district court’s application of the *Moore* factors and its denial of Golestan and Micfo’s motion to withdraw their guilty pleas.

The first *Moore* factor requires a criminal defendant to provide “credible evidence” that his guilty plea was not knowing or voluntary. The district court properly found that Golestan and Micfo did not offer credible evidence to meet this first factor. The district court conducted a thorough plea colloquy as to the elements of the offense, and Golestan, as to himself and as to Micfo, represented under oath that he understood. That is sufficient.

The second *Moore* factor considers whether Golestan and Micfo credibly asserted their legal innocence. To meet this burden, Golestan and Micfo must present evidence that 1) has the “quality or power of inspiring belief” and 2) “tends to ‘defeat the elements in the government’s *prima facie* case’ or to ‘make out a successful affirmative defense.’” *Thompson-Riviere*, 561 F.3d at 353 (citations omitted). Golestan and Micfo contend they met this burden. We disagree. Contrary to Golestan and Micfo’s contentions, *Ciminelli* does not establish their legal innocence.

In *Ciminelli*, the United States Supreme Court invalidated the “right-to-control” theory of prosecution for federal fraud statutes. 598 U.S. at 308. The Government maintains that *Ciminelli* bears no relevance to this case because Golestan and Mifco were not prosecuted under that theory. Instead, the Government points out that its theory was that

the “right to assign, administer, monitor, and regulate IP addresses” is a property interest within the meaning of the federal wire fraud statute.

The federal wire fraud statute criminalizes any “scheme or artifice to defraud, or for obtaining money *or property* by means of false or fraudulent pretenses, representations, or promises.” 18 U.S.C. § 1343 (emphasis added).<sup>5</sup> While the statute covers a broad array of criminal activities, the statutory meaning of “property” is not unbounded. For purposes of the federal fraud statutes, “property” is not limited to tangible things. Certain intangible forms of property, including for example confidential business information, *Carpenter v. United States*, 484 U.S. 19, 25–26 (1987), fall within the definition of property for purposes of the federal fraud statutes.

In line with this precedent and guidance from the Supreme Court that the federal fraud statutes “protect individual property rights,” this court has held that “property is anything in which one has a ‘right that could be assigned, traded, bought, and otherwise disposed of.’” *McNally v. United States*, 483 U.S. 350, 358 n.8 (1987) (first quote); *United States v. Adler*, 186 F.3d 574, 577 (4th Cir. 1999) (citation omitted) (second quote). In contrast, however, the Supreme Court has resisted considering intangible assets that are an extension of a state’s regulatory power as property. *Cleveland v. United States*, 531 U.S.

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<sup>5</sup> Although this appeal concerns the wire fraud statute, we cite to cases involving the federal mail fraud statute because the federal mail and wire fraud statutes contain identical text in material part and are often analyzed interchangeably. *See, e.g., Pasquantino v. United States*, 544 U.S. 349, 355 n.2 (2005); *Carpenter v. United States*, 484 U.S. 19, 25 n.6 (1987).

12, 15, 20, 23 (2000) (holding that a state’s interest in unissued state and municipal video poker licenses is not property).

*Ciminelli* involved a criminal bid-rigging scheme. The defendant, Louis Ciminelli, paid a lobbyist with ties to former New York Governor Andrew Cuomo’s administration \$100,000 to \$180,000 to obtain state-funded jobs for Ciminelli’s construction company. 598 U.S. at 309–10. As a result of this scheme, a nonprofit entity, Fort Schuyler Management Corporation, awarded Ciminelli’s company a major \$750 million contract. *Id.* at 310. The Government relied on the so-called “right-to-control” theory. Under this theory, “for the purposes of the elements of mail, wire, or bank fraud, a victim can be deprived of ‘property’ in the form of ‘intangible’ interests such as the right to control the use of one’s assets.” *United States v. Calderon*, 944 F.3d 72, 88 (2d Cir. 2019) (citation omitted). The right-to-control theory “allows for conviction on ‘a showing that the defendant, through the withholding or inaccurate reporting of information that could impact on economic decisions, deprived some person or entity of potentially valuable economic information.’” *United States v. Percoco*, 13 F.4th 158, 170 (2d Cir. 2021) (citation omitted).

The government argued that Ciminelli engaged in wire fraud when it deprived Fort Schuyler of “potentially valuable economic information that it would consider valuable in deciding how to use its assets.” *Ciminelli*, 598 U.S. at 311. The Supreme Court rejected this right-to-control theory. “[P]otentially valuable economic information’ ‘necessary to make discretionary economic decisions’ is not a traditional property interest,” and therefore is “not a valid basis for liability” under the wire fraud statute. *Id.* at 309. The Court affirmed

that “the federal fraud statutes criminalize only schemes to deprive people of traditional property interests.” *Id.*

The Supreme Court’s holding in *Ciminelli* does not preclude the Government’s theory of prosecution in this case. The “right-to-control” theory is a narrow one. In *Ciminelli*, the Supreme Court explained that the “right to information necessary to make informed economic decisions, while perhaps useful for protecting and making use of one’s property, has not itself traditionally been recognized as a property interest.” 598 U.S. at 314 n.4. The Government did not prosecute Golestan and Micfo on this basis, nor did Golestan and Micfo plead guilty to such elements. The Government alleged that Golestan and Micfo deprived ARIN of IP addresses, not the right to control IP addresses.<sup>6</sup> The Supreme Court has now confirmed that such a “fraudulent-inducement theory” of wire fraud does not contravene *Ciminelli*. *Kousisis v. United States*, 145 S. Ct. 1382, 1398 (2025).

Golestan and Micfo make much of the district court’s failure to explain the “traditional wire fraud principles” upon which it relied. [Golestan Opening Br. 19] The district court set forth its reasoning in prior rulings, however. In denying Golestan and Micfo’s motion to dismiss the indictment, the district court ruled that the “rights to IP addresses are ‘property,’ as contemplated by the wire fraud statute.” J.A. 52 (quoting *Adler*, 186 F.3d at 576 (4th Cir. 1999)). The Government’s indictment was even more clear:

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<sup>6</sup> Golestan does not press his argument before the district court that IP addresses are not property. We therefore have no occasion to consider whether he could colorably show his legal innocence that way.

Golestan “obtained approximately 757,760 IPv4 addresses” through his fraudulent scheme.

J.A. 25. Neither theory depends on a right to control.

Regarding *Moore* factor three, whether there was a delay between when Golestan and Micfo pled guilty and when they filed their motion, the district court did not abuse its discretion in finding that the 17-month lapse constituted a delay. *Compare Moore*, 931 F.2d at 248 (explaining the third *Moore* factor is “whether there has been a delay between the entering of the plea and the filing of the motion” and that a six-week delay weighs against a defendant), with *United States v. Bowman*, 348 F.3d 408, 415–16 (4th Cir. 2003) (agreeing with the district court that a three-month delay between the entering of the plea and the motion to withdraw weighed in favor of the defendant).

The fourth *Moore* factor, whether Golestan and Micfo had competent counsel, is easily dispensed with as they concede they did. Although the district court did not address the fifth and sixth *Moore* factors, it was not required to do so. Where a district court’s ruling on a motion to withdraw “determines that the first four factors identified in *Moore* militate against granting the defendant’s motion, it can reasonably refrain from trying to ascertain just how much withdrawal of the plea would prejudice the government and inconvenience the court.” *Sparks*, 67 F.3d at 1154.

We conclude that the district court properly evaluated the relevant *Moore* factors and did not abuse its discretion in denying Golestan and Micfo’s motion to withdraw their guilty pleas.

### B. Golestan's Claim of Ineffective Assistance of Counsel

Golestan next maintains that his trial counsel was ineffective for failing to advise him of the immigration consequences of his guilty plea. He argues that his counsel was required to warn him of the possibility of denaturalization if he pled guilty under *Padilla*. He relies on upon the holding in *Farhane v. United States*, 121 F.4th 353 (2d Cir. 2024). In that case, the Second Circuit, sitting *en banc*, held that under *Padilla*, a naturalized United States citizen has a Sixth Amendment right to be advised by counsel that he could be denaturalized and deported as a result of pleading guilty. *Farhane*, 121 F.4th at 359, 363. We need not address that issue here, however, and we decline to do so.

We review Golestan's claim of ineffective assistance of counsel *de novo*. *United States v. Freeman*, 24 F.4th 320, 326 (4th Cir. 2022). Golestan faces a difficult burden to prove his claim because a claim of ineffective assistance of counsel is not ordinarily cognizable on direct appeal "unless the record conclusively shows ineffective assistance." *United States v. King*, 119 F.3d 290, 295 (4th Cir. 1997) (quoting *United States v. Williams*, 977 F.2d 866, 871 (4th Cir. 1992)); *Massaro v. United States*, 538 U.S. 500, 504–05 (2003). Because the record before us does not conclusively show ineffective assistance of counsel, we decline to consider his claim on direct appeal. *King*, 119 F.3d at 295.

### C. Micfo's Guilty Plea

Micfo contends that its guilty plea must be vacated because Golestan was not authorized to enter a plea on its behalf. We decline to vacate Micfo's guilty plea.

We review Micfo's contention that the district court erred in denying its motion to withdraw its guilty plea for an abuse of discretion. *E.g.*, *Thompson-Riviere*, 561 F.3d at

352. Contrary to Micfo’s contentions, the record supports the district court's findings that Golestan had the requisite authority to enter a plea on Micfo’s behalf. In addition, the “Federal Rules of Criminal Procedure provide that an organizational defendant need not be present if represented by counsel who is present.” *United States v. Grayson Enters., Inc.*, 950 F.3d 386, 401 (7th Cir. 2020) (citing Fed. R. Crim. P. 43(b)(1)). Micfo was represented by counsel during the plea colloquy, and it has not argued that its counsel was ineffective. The district court therefore did not abuse its discretion in denying Micfo’s motion to vacate its guilty plea.

### III. Conclusion

For the reasons set forth above, we affirm in full the judgments of the district court.

*AFFIRMED*

FILED: August 22, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-4583 (L)  
(2:19-cr-00441-RMG-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

AMIR GOLESTAN

Defendant - Appellant

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No. 23-4592  
(2:19-cr-00441-RMG-2)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MICFO, LLC

Defendant - Appellant



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J U D G M E N T

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In accordance with the decision of this court, the judgments of the district court are affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with [Fed. R. App. P. 41](#).

/s/ NWAMAKA ANOWI, CLERK

# UNITED STATES DISTRICT COURT

## District of South Carolina

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

vs.

Case Number: 2:19-CR-00441-RMG-1

AMIR GOLESTAN

USM Number: 34404-171

Cameron Jane Blazer, Esq. and Alicia Penn, AFPD  
Defendant's Attorneys

**THE DEFENDANT:**

- ☒ pleaded guilty to Counts 1-20.
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Counts</u>
18:1343	Please see Indictment	5/14/19	1-20

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_.
- ☐ Counts are dismissed on the motion of the United States.
- ☐ Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

\_\_\_\_\_  
September 13, 2023  
Date of Imposition of Judgment

\_\_\_\_\_  
s/Richard M. Gergel  
Signature of Judge

\_\_\_\_\_  
RICHARD M. GERGEL, U.S. DISTRICT JUDGE  
Name and Title of Judge

\_\_\_\_\_  
September 14, 2023  
Date

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### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of sixty (60) months; said term consists of 60 months as to each of Counts One through Twenty, to run concurrently. The defendant shall pay a \$2000.00 special assessment fee and restitution in the amount of \$76,978.25 both due beginning immediately.

■ The court makes the following recommendations to the Bureau of Prisons: The defendant shall be designated to FPC Pensacola, FL or a facility closest to Destin, FL to facilitate family visitation.

■ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:  
☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.  
☐ as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
☐ before 2 p.m. on \_\_\_\_\_.  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) years; said term consists of 2 years as to each of Counts One through Twenty, to run concurrently. While on supervised release, the defendant shall comply with the mandatory and standard conditions of supervision and the following special conditions. 1. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer. 2. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office. 3. You must pay any remaining unpaid restitution balance imposed by the Court in minimum monthly installments of \$200.00 to commence 60 days after release from custody (or following the imposition of sentence if a time served or probation case). The payments shall be made payable to "Clerk, U.S. District Court" and mailed to PO Box 835, Charleston, SC 29402. Interest on any restitution ordered is waived. Payments shall be adjusted accordingly, based upon your ability to pay as determined by the Court.

### **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. § 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. §20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program of domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines, based on your criminal record, personal history or characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

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### CRIMINAL MONETARY PENALTIES

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	<b><u>\$2000.00</u></b>	<b><u>\$76,978.25</u></b>	<b><u>\$</u></b>		

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
ARIN	\$76,978.25	\$76,978.25	100%
<b>TOTALS</b>	<b><u>\$76,978.25</u></b>	<b><u>\$76,978.25</u></b>	

- ☐ Restitution amount ordered pursuant to plea agreement \$\_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).  
 The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ The interest requirement is waived for the ☐ fine ☒ restitution.

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.  
 \*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.  
 \*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$2000.00 special assessment fee and restitution in the amount of \$76,978.25, both due immediately.  
☐ not later than \_\_\_\_\_, or  
☒ in accordance with ☐ C, ☒ D, or ☐ E, or ☐ F below: or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal monthly installments of \_\_\_ to commence \_\_\_ days after the date of this judgment; or
- D ☒ Payment in equal monthly installments of \$200.00 to commence *60 days* after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within (*e.g., 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

<input type="checkbox"/> Joint and Several			
Case Number			
Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

As directed in the Preliminary Order of Forfeiture, filed June 7, 2022 and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA Assessment (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment (9) penalties, and (10) costs, including cost of prosecution and court costs.

UNITED STATES OF AMERICA	)	CRIMINAL NO.: 2:19-cr-00441-RMG-1,2
	)	
v.	)	
	)	
AMIR GOLESTAN,	)	
MICFO, LLC	)	

This matter is before the court on the motion of the United States for a Preliminary Order of Forfeiture as to Defendants Amir Golestan and Micfo, LLC, (“Golestan and Micfo”, “Defendant”), based upon the following:

2. Pursuant to Fed. R. Crim. P. 32.2(a), the Indictment contained a forfeiture allegation providing that, upon Golestan and Micfo, LLC's conviction, certain properties enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States. As specified therein, such assets include, but are not limited to, the following:

A sum of money equal to all proceeds the Defendants obtained directly or indirectly as a result of the offenses charged in this Indictment, in an amount to be determined equal to all proceeds derived from the offense, and all interest and proceeds traceable thereto as the result of the violations of 18 U.S.C. §1343.

<sup>1</sup> The government is pursuing a judgment against the Amir Golestan and Micfo, LLC.



IP BLOCK	ENTITY	NUMBER OF IP ADDRESSES
104.166.96.0/19	OppoBox	8,192
104.247.96.0/19	OppoBox	8,192
104.250.224.0/19	OppoBox	8,192
172.98.0.0/18	Telentia	16,384
174.136.192.0/18	Telentia	16,384
45.41.0.0/18	OppoBox	16,384
45.41.192.0/18	OppoBox	16,384
45.59.128.0/18	OppoBox	16,384
104.167.192.0/18	OppoBox	16,384
104.224.0.0/18	OppoBox	16,384
104.249.128.0/18	OppoBox	16,384
155.254.192.0/18	OppoBox	16,384
172.110.128.0/18	OppoBox	16,384
172.111.0.0/18	OppoBox	16,384
169.197.128.0/18	Border Technology	16,384
172.81.0.0/18	Border Technology	16,384
107.181.64.0/20	Contina	4,096
167.160.96.0/19	Contina	8,192
209.161.96.0/20	Telentia	4,096
104.128.16.0/20	Telentia	4,096
104.143.192.0/19	Telentia	8,192
104.222.192.0/19	Telentia	8,192
104.247.0.0/19	Telentia	8,192
107.190.160.0/20	OppoBox	4,096
107.182.112.0/20	OppoBox	4,096
104.207.64.0/19	OppoBox	8,192
155.254.96.0/19	OppoBox	8,192
167.88.96.0/20	Virtuzo	4,096
104.128.128.0/20	Virtuzo	4,096
104.156.192.0/19	Virtuzo	8,192
104.222.128.0/19	Virtuzo	8,192
104.143.16.0/20	Roya	4,096
104.237.80.0/20	Univera Network	4,096
45.62.32.0/19	Univera Network	8,192
45.61.32.0/20	Border Technology	4,096
173.44.0.0/19	Border Technology	8,192
172.97.80.0/20	Fiber Galaxy	4,096
206.223.224.0/19	Fiber Galaxy	8,192
172.102.128.0/20	Queen Systems	4,096
209.209.224.0/19	Queen Systems	8,192
172.110.208.0/20	Fairway Network	4,096

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207.189.0.0/19	Fairway Network	8,192
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2. On November 16, 2021, Golestan and Micfo, LLC entered pleas of guilty as to Counts 1-20 of the Indictment.

3. Following Defendants' convictions, the identified victim in this case, ARIN, revoked IP address rights from Defendants. ARIN has held 261,120 IP address rights in reserve pending the sentencing and forfeiture proceedings in this matter.

4. Based upon Defendants' convictions, the court has determined that the government has established the requisite nexus between the amount of proceeds and the property involved in Defendants' offenses and the violations for which Golestan and Micfo, LLC have been convicted; therefore, the United States is entitled to a preliminary order of forfeiture, subject to the provisions of 21 U.S.C. § 853 governing third party rights. The court has determined that the property described above is subject to forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c). Therefore, it is ORDERED that all property, real or personal, which constitutes or is derived from proceeds traceable to Defendants' violations of Title 18, United States Code, Section 1343 are forfeited to the United States and that all property involved in Defendants' violations of Title 18, United States Code, Section 1343 are forfeited to the United States.

5. The Court further finds that one or more of the conditions set forth in Title 21, United States Code, Section 853(p), exists with respect to the \$3,375,104 in proceeds obtained by Defendants from the completed IP address block sales.

Accordingly, it is hereby **ORDERED**,

1. The below-described property as designated by ARIN, and all right, title, and interest of the Defendants, Amir Golestan and Micfo, LLC, in and to such property, is hereby forfeited to the United States of America, for disposition in accordance with law, subject to the Order, p. 3 of 8

rights of third parties in such property under 21 U.S.C. § 853(n):

IP Number Resources:

<b>Net Handle</b>	<b>Org ID</b>	<b>Revoke Date</b>	<b>Network</b>	<b>Prefix</b>	<b># /24s</b>
NET-192-240-192-0-1	MICFO-2	11/23/2021	192.240.192.0	18	64
NET-192-255-64-0-1	MICFO-2	11/23/2021	192.255.64.0	18	64
NET-104-143-192-0-1	MICFO-2	11/23/2021	104.143.192.0	19	32
NET-104-156-192-0-1	MICFO-2	11/23/2021	104.156.192.0	19	32
NET-104-207-64-0-1	MICFO-2	11/23/2021	104.207.64.0	19	32
NET-104-222-128-0-1	MICFO-2	11/23/2021	104.222.128.0	19	32
NET-104-222-192-0-1	MICFO-2	11/23/2021	104.222.192.0	19	32
NET-104-247-0-0-1	MICFO-2	11/23/2021	104.247.0.0	19	32
NET-155-254-96-0-1	MICFO-2	11/23/2021	155.254.96.0	19	32
NET-167-160-96-0-1	MICFO-2	11/23/2021	167.160.96.0	19	32
NET-173-44-0-0-1	MICFO-2	11/23/2021	173.44.0.0	19	32
NET-192-171-224-0-1	MICFO-2	11/23/2021	192.171.224.0	19	32
NET-192-230-32-0-1	MICFO-2	11/23/2021	192.230.32.0	19	32
NET-206-223-224-0-1	MICFO-2	11/23/2021	206.223.224.0	19	32
NET-207-189-0-0-1	MICFO-2	11/23/2021	207.189.0.0	19	32
NET-209-209-224-0-1	MICFO-2	11/23/2021	209.209.224.0	19	32
NET-45-62-32-0-1	MICFO-2	11/23/2021	45.62.32.0	19	32
NET-104-128-128-0-1	MICFO-2	11/23/2021	104.128.128.0	20	16
NET-104-128-16-0-1	MICFO-2	11/23/2021	104.128.16.0	20	16
NET-104-143-16-0-1	MICFO-2	11/23/2021	104.143.16.0	20	16
NET-104-237-80-0-1	MICFO-2	11/23/2021	104.237.80.0	20	16
NET-107-181-64-0-1	MICFO-2	11/23/2021	107.181.64.0	20	16
NET-107-182-112-0-1	MICFO-2	11/23/2021	107.182.112.0	20	16
NET-107-190-160-0-1	MICFO-2	11/23/2021	107.190.160.0	20	16
NET-167-88-96-0-1	MICFO-2	11/23/2021	167.88.96.0	20	16
NET-172-102-128-0-1	MICFO-2	11/23/2021	172.102.128.0	20	16
NET-172-110-208-0-1	MICFO-2	11/23/2021	172.110.208.0	20	16
NET-172-97-80-0-1	MICFO-2	11/23/2021	172.97.80.0	20	16
NET-192-200-16-0-1	MICFO-2	11/23/2021	192.200.16.0	20	16
NET-192-77-240-0-1	MICFO-2	11/23/2021	192.77.240.0	20	16
NET-209-161-96-0-1	MICFO-2	11/23/2021	209.161.96.0	20	16

NET-45-61-32-0-1	MICFO-2	11/23/2021	45.61.32.0	20	16
NET-135-84-208-0-1	MICFO-2	11/23/2021	135.84.208.0	21	8
NET-144-208-116-0-1	MICFO-2	11/23/2021	144.208.116.0	21	8
NET-165-84-224-0-1	MICFO-2	11/23/2021	165.84.224.0	21	8
NET-192-171-24-0-1	MICFO-2	11/23/2021	192.171.24.0	21	8
NET-192-69-248-0-1	MICFO-2	11/23/2021	192.69.248.0	21	8
NET-198-52-32-0-1	MICFO-2	11/23/2021	198.52.32.0	21	8
NET-199-189-248-0-1	MICFO-2	11/23/2021	199.189.248.0	21	8
NET-199-241-120-0-1	MICFO-2	11/23/2021	199.241.120.0	21	8
NET-204-62-120-0-1	MICFO-2	11/23/2021	204.62.120.0	21	8
NET-205-234-120-0-1	MICFO-2	11/23/2021	205.234.120.0	21	8
NET-207-89-16-0-1	MICFO-2	11/23/2021	207.89.16.0	21	8
NET-216-162-40-0-1	MICFO-2	11/23/2021	216.162.40.0	21	8
NET-31-207-0-0-1	MICFO-2	11/23/2021	31.207.0.0	21	8
NET-66-133-72-0-1	MICFO-2	11/23/2021	66.133.72.0	21	8
NET-66-171-32-0-1	MICFO-2	11/23/2021	66.171.32.0	21	8
NET-69-161-192-0-1	MICFO-2	11/23/2021	69.161.192.0	21	8
NET-72-35-240-0-1	MICFO-2	11/23/2021	72.35.240.0	21	8
NET-146-88-192-0-1	MICFO-2	11/23/2021	146.88.192.0	22	4
NET-148-59-232-0-1	MICFO-2	11/23/2021	148.59.232.0	22	4
NET-192-64-24-0-1	MICFO-2	11/23/2021	192.64.24.0	22	4
NET-199-223-116-0-1	MICFO-2	11/23/2021	199.223.116.0	22	4
NET-206-225-132-0-1	MICFO-2	11/23/2021	206.225.132.0	22	4
NET-64-85-24-0-1	MICFO-2	11/23/2021	64.85.24.0	22	4
NET-203-33-152-0-1	MICFO-2	11/23/2021	203.33.152.0	23	2
NET-208-87-164-0-1	MICFO-2	11/23/2021	208.87.164.0	23	2
NET-213-159-14-0-1	MICFO-2	11/23/2021	213.159.14.0	23	2
NET-24-235-4-0-1	MICFO-2	11/23/2021	24.235.4.0	23	2
NET-198-22-224-0-1	MICFO-2	11/23/2021	198.22.224.0	24	1
NET-209-251-249-0-1	MICFO-2	11/23/2021	209.251.249.0	24	1
NET-216-99-219-0-1	MICFO-2	11/23/2021	216.99.219.0	24	1
NET-52-119-3-0-1	MICFO-2	11/23/2021	52.119.3.0	24	1

2. FORFEITURE IS ENTERED against Defendants Amir Golestan and Micfo, LLC and in favor of the United States for \$3,375,104 along with appropriate costs and interest thereon at the rate provided for in 28 U.S.C. § 1961 as of the date of entry of judgment until paid in full.

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The United States may at any time move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property to satisfy the judgment.

3. The United States may sell or otherwise dispose of any substitute assets in accordance with the law as required to satisfy the above imposed judgment.

4. Upon entry of this Order, the Government is further authorized to conduct discovery to identify, locate, or other substitute assets, in accordance with Fed. R. Crim. P. 32.2(b)(3); and to commence proceedings that comply with statutes governing third party rights, if applicable.

5. The government is not required to publish notice regarding the judgment against Defendant; however, the Order shall be recorded in the records of the County Clerk's Office in the County of the debtor's residence, place of business, and any and all other counties in which the debtor has either real or personal property, as a lien thereon.

6. The United States shall publish notice of this Order and its intent to dispose of the personal property in such manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the said property.

7. Upon entry of this Order, the United States is authorized to seize the above-described property as directed by the United States Attorney's Office and to commence proceedings that comply with statutes governing third party rights.

8. Any person, other than the named Defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property and for an amendment of the order of forfeiture, pursuant to 21

U.S.C. § 853(n)(6) and Fed. R. Crim. P. 32.2(c).

9. Any petition filed by a third party asserting an interest in the above-described property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in such property, and additional facts supporting the petitioner's claim and the relief sought.

10. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

11. The United States shall have clear title to the property following the court's determination of all third party interests, or, if no petitions are filed, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

12. The court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

13. Upon entry of the criminal judgment, this Order becomes final as to Defendant and shall be made a part of the sentence and included in the criminal judgment.

14. The Clerk, United States District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gengel', written over a horizontal line.

RICHARD M. GENDEL  
UNITED STATES DISTRICT JUDGE

June 6, 2022  
Charleston, South Carolina