No. ________________

IN THE

SUPREME COURT OF THE UNITED STATES

SALAH OBYEIS

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

MARK DIAMOND
Counsel of Record
7400 Beaufont Springs Dr., Ste 300
Richmond, VA 23225
(917) 660-8758
markd53@hotmail.com

Attorney for Petitioner

QUESTIONS PRESENTED FOR REVIEW

I. Since Mr. Obyeis' waiver of appeal was unenforceable because it was involuntary and unknowing, did the Court of Appeals err in summarily dismissing his appeal without considering its merits?

II. Since Mr. Obyeis preserved his right to appeal those issues raised in his opening brief concerning ineffective assistance of counsel, did the Court of Appeals err in summarily dismissing his appeal without considering its merits?

III. The Court Of Appeals' Judgment Is Not In Accord With This Court's Recent Decision In Hunter v. United States, 2926 U.S. LEXIS 2558, No. 24-1063 (6/18/26)

IV. Since Mr. Obyeis' preserved his right appeal the unreasonableness of his sentence, did the Court of Appeals err in summarily dismissing his appeal without considering its merits?

LIST OF PARTIES TO THE PROCEEDINGS

- The petitioner is Salah Obyeis.

- The Respondent is the United States of America.

LIST OF ALL RELATED PROCEEDINGS

- *United States v. Salah Obyeis* , No. 3:23-CR-00012 . U.S. District Court for the Eastern District of Virginia (Richmond). Judgment entered December 13, 2023. (Appendix C)

- *United States v. Salah Obyeis* , No. 24-4006. U.S. Court of Appeals for the Fourth Circuit. Judgment entered on March 4, 2026. Rehearing denied on July 8, 2026.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATUTES AND STANDARDS

CASES

OPINIONS BELOW

The Order of the United States Court of Appeals for the Fourth Circuit, *United States v. Salah Obyeis*, No. 24-4006, (4th Cir. 2026) is unpublished and attached to this Petition as Exhibit A. The Order denying rehearing is attached as Exhibit B.

BASIS FOR JURISDICTION

The final Order of the U.S. Court of Appeals, Fourth Circuit, was issued on March 4, 2026. This petition was filed within ninety days thereof. Jurisdiction in the trial court was based on 18 USC § 3231, since the appellant was charged with offenses against the laws of the United States of America. The jurisdiction of this Court is invoked under 28 USC § 1254 and Supreme Court Rule 10.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the Fifth and Sixth Amendment rights to due process and effective assistance of counsel. It also involves Fed.R.Crim.P. 11(b)(1)(N) concerning waiver of appeal.

STATEMENT OF THE CASE

By affirming his conviction, the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, and sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. In addition, the Fourth Circuit's ruling contradicts rulings on the same issues rendered by the Supreme Court.

REASONS FOR GRANTING THE WRIT

1. Mr. Obyeis' waiver of appeal was unenforceable because it was entered involuntarily and unknowingly. The Court of Appeals erred in failing to consider this issue before summarily dismissing his appeal. [US Const. 5th Amend.; *North Carolina v. Alford*, 400 U.S. 25 (1970)]

2. Mr. Obyeis preserved his right to appeal those issues raised in his brief involving effective assistance of counsel. The Court of Appeals erred in failing to consider this issue before summarily dismissing his appeal. [US 5th, 6th Amends.; 18 USC 3553(a); Fed.R.Crim.P. 11(b)(1)(N) and 52(b); *Strickland v. Washington*, 466 U.S. 668 (1984)]

3. The Court Of Appeals' Judgment Is Not In Accord With This Court's Recent Decision In *Hunter v. United States*, 2026 U.S. LEXIS 2558, No. 24-1063 (6/18/26)

4. Mr. Obyeis preserved his right appeal those issues in his brief involving the unreasonableness of his sentence. The Court of Appeals erred in failing to consider this issue before summarily dismissing his appeal. [US Const. 5th Amend.; Fed.R.Crim.P. 11(b)(1)(N) and 52(b); *Boykin v. Alabama*, 395 U.S. 238 (1969)]

ARGUMENTS

I The Waiver of Appeal Is Unenforceable Because It Was Made Involuntarily and Unknowingly. The Court Of Appeals Erred In Summarily Dismissing His Appeal Without Considering Its Merits

The Court of Appeals incorrectly dismissed our appeal without considering its merits because of a waiver of appeal made by Mr. Obyeis at sentencing. That was a mistake because the waiver was involuntary, unknowing and, thus, unenforceable.

The district court never informed Mr. Obyeis about the meaning of waiver of appeal, determine whether he knew the ramifications of waiver, or determine whether, knowing the ramifications, he still wished to waive his appellate rights. There is nothing in the record to show that defense counsel ever informed Obyeis of the appellate rights he was being asked to waive and nothing that indicates he was otherwise aware of those rights. (USCA JA 37-47) The Plea Agreement does not the appellate rights Obyeis was asked to waive. (JA 46 et. seq.) Defense counsel did not state that he had informed Mr. Obyeis outside of court about the meaning of waiver of appeal.

The right to appeal a criminal conviction is a hallmark of American jurisprudence. (*Martinez v. Court of Appeal*, 528 US 152 (2000) A defendant's waiver of appeal must be made knowingly, voluntarily, and intelligently to be binding. (*Boykin v. Alabama*, 395 U.S. 238 (1969) An appeal waiver is enforceable only when the record shows that the defendant has voluntarily, knowingly and intelligently agreed to waive his right of appeal. He could only do so by knowing what those rights are. (*United States v. McLamb*, 352 Fed.Appx. 842 (4^{th} Cir. 2009)

That is why Fed.R.Crim.P. 11(b)(1)(N) requires a sentencing court to address the defendant in open court to make sure he understands the meaning of waiver of appeal and its consequences, and that the waiver was made knowingly, voluntarily and intelligently. Despite this, the district court simply failed to address and allocute Mr. Obyeis concerning waiver of appeal in even the barest terms. A Rule 11 challenge is not waived by failure to raise it before the district court because the standards that Rule 11 bring to the plea bargaining process protect not only the parties, but also the fairness, integrity and public reputation of judicial proceedings. (Fed.R.Crim.P. § 52[b]); *United States v. Olano*, 113 S. Ct. 1770 (1993) Since Mr. Obyeis' waiver of appeal was involuntary and unknowing, the Court of Appeals erred in dismissing our appeal and failing to consider its merits.

II. Ineffective Assistance Of Counsel Was Specifically Excluded From Mr. Obyeis' Waiver of Appeal. The Court Of Appeals Erred In Summarily Dismissing His Appeal Without Considering Its Merits.

Mr. Obyeis' written Plea Agreement specifically preserved for appeal any "ineffective assistance of counsel claim that is cognizable on direct appeal…." (JA 48) a claim that, in any event, is non-waivable. (US Const. 5th, 6th Amends.; *North Carolina v. Alford*, 400 U.S. 25 (1970); *United States v. Lark*, 2025 U.S. App. LEXIS 8030, *2 (4th Cir. 2025). Nothing that occurred during the plea or sentencing proceedings modified Mr. Obyeis' preservation of his right to appeal issues involving ineffective assistance of counsel.

As noted in Argument 2 of our appellate brief, troubling indications of bias and prejudice by the district court against Mr. Obyeis exist in statements that it made during sentencing, to which defense counsel ineffectively failed to object or seek remedy. Had he objected, the court would have recognized its error and not given Mr. Obyeis the excessively harsh sentence that it did. (U.S. Const. 6th Amend.; *Strickland v. Washington*, 466 U.S. 668 (1984)

In Argument 2 of our brief, we argued the court acknowledged that Mr. Obyeis' criminal history "is very minor" and "not the crime of the century in terms of the seriousness of the offense." (JA 153-154) But then it said that part of its rationale for the sentence it pronounced, which was three months shy of the maximum Guidelines range was, "I am not convinced that when push gets to shove he will not oppose deportation." (JA 156) The court imposed a lengthier sentence than it otherwise would on a first-time, non-violent felony offender because Mr. Obyeis was expected to defend himself in removal proceedings. This was an unreasonable abuse of discretion that exceeded appropriate consideration under 18 USC 3553(a). (*United States v. Montes-Pineda*, 445 F.3d 375 (4th Cir. 2006)

Additionally, the trial court acknowledged that Mr. Obyeis served the United States as a translator in Iraq and had a difficult family history, considering the death of his father and siblings at the hands of terrorists. Yet, in deciding the length of his sentence, it inexplicably considered as a negative factor Mr. Obyeis' choice of occupation "as a teaching assistant, which is almost no way to make a living, and lends credence to the fact that somebody stated essentially he makes his living by stealing from UPS and Fedex." (JA 154) The court's personal distaste for Mr. Obyeis' occupation was an improper sentencing factor under 18 USC 3553(a).

The court was also wrong to make an example of Mr. Obyeis because "our society exists and thrives and is a good place to live because of trade with each other, and events like this makes the fabric of society tenuous"; "white collar people follow what is going on in court and are less inclined to commit crimes knowing that there is a punishment." (JA 154-155) Mr. Obyeis' convictions were for non-violent crimes by a lawful permanent resident with a nominal criminal record who served his country in a life-threatening job for years. The value to society in general of punishing him harshly to make an example of him was another unreasonable abuse of discretion, exceeding factors appropriate under 18 USC § 3553(a).

Additional instances of ineffective assistance of counsel are raised in Issue 3 of this petition concerning the unreasonableness of Mr. Obyeis' sentence. Since defense counsel failed to object to any of this, and Mr. Obyeis' preserved his right to appeal issues involving ineffective assistance of counsel, the Court of Appeals erred in summarily dismissing our appeal and declining to consider its merits.

III. The Court Of Appeals' Judgment Is Not In Accord With This Court's Recent Decision In *Hunter v. United States*, 2026 U.S. LEXIS 2558, No. 24-1063 (6/18/26)

During the Court of Appeals' consideration of Mr. Obyeis motion for rehearing, this Court handed down its decision in *Hunter v. United States*, 2926 U.S. LEXIS 2558, No. 24-1063 (6/18/26). The case was brought to the Court of Appeals' attention by way of a FRAP 28(j) letter on June 23, 2026, during pendency of direct appeal.

Points 1, 2, 3 and 4 of our opening brief argue that Mr. Obyeis' judgment constitutes a miscarriage of justice because his waiver of appeal was unknowing and involuntary and his sentence the result of ineffective assistance of counsel. Despite this, the Court of Appeals dismissed his appeal only because of the waiver.

In *Hunter v. United States*, 2026 U.S. LEXIS 2558, No. 24-1063 (June 18, 2026) the Supreme Court considered when it is lawful for a Court of Appeals to enforce a plea agreement provision that prospectively waives a defendant's right to appeal sentencing errors. It held that the standard for enforcing appeal waivers implicates the interests not only of the agreement's parties but also of the judiciary.

This Court held that a "miscarriage of justice" standard applies when a Court rules on the enforceability of a plea agreement provision that eliminates a defendant's right to appeal claims of sentencing error. The Court specifically identified (1) the lack of a knowing and voluntary waiver of appeal, and (2) ineffective assistance of counsel as two issues that invoke miscarriage of justice review, which were issues raised in our appeal. The Court of Appeals failed to consider *Hunter v. United States* when dismissing Mr. Obyeis' direct appeal. Certiorari is warranted because the Court of Appeals failed to comply with clearly established precedent established of this Court.

IV Mr. Obyeis preserved his right appeal those issues in his brief involving the unreasonableness of his sentence. The Court of Appeals erred in failing to consider this issue before summarily dismissing his appeal

The Plea Agreement carved out a second exception to waiver of appeal by making Mr. Obyeis' sentence subject "to review by higher courts for reasonableness." (JA 48) The basis for Arguments 2 through 5 of our brief was that his sentence was unreasonable.

As Argument 2 of our brief, we noted that the district court added two offense levels for being a leader of organizer under USSG § 3B1.1(c) because Mr. Obyeis asked his wife to ship two out of the seventy broken computers charged. Specifically, the PSR states that he once asked his wife to "go inside and drop off the package" while he waited in the car and a second time, he asked his wife to pack two broken computers and mail them. (JA 178, 182-183, 198) This nominal activity did not justify two additional levels, which increased the sentence range from 41 to 51 months in prison to 51 to 63 months, all other sentencing factors remaining the same. Mr. Obyeis was sentenced to 60 months in prison. (*United States v. Bright*, 125 F.4th 97, 103 (4th Cir. 2025)

As Argument 3 of our brief, we noted that the district court unreasonably refused to reduce Mr. Obyeis' offense levels by two for accepting responsibility under USSG § 3E1.1(a) which was contrary to the presentence investigation report recommendation that he was entitled to the two level reduction. (JA 197) Mr. Obyeis timely agreed to plead guilty, freely and openly acknowledged his guilt, accepted the risk attendant with pleading guilty, agreed to pay restitution, opened himself to deportation and forfeiture by pleading guilty, and timely notified authorities of his intention to enter a plea.

USSG § 3E1.1 Application Note 3 states, "Entry of a plea of guilty prior to the commencement of trial combined with truthfully admitting the conduct comprising the offense of conviction, and truthfully admitting or not falsely denying any additional relevant conduct for which he is accountable under § 1B1.3 will constitute significant evidence of acceptance of responsibility for the purposes of subsection (a)." Had Mr. Obyeis received the two level reduction, his sentence range would be 41 to 51 months; for a 3 level reduction, 37 to 46 months. For this reason, his sentence was unreasonable, which is an issue that was specifically excluded from his waiver of appeal. (*United States v. Curtis*, 934 F.2d 553 (4th Cir. 1991).

As Argument 4 of our brief, we noted that the district court incorrectly added one criminal history point for a 2016 misdemeanor trespass conviction in state court (JA 184) despite the fact that trespass convictions are excluded under USSG § 4A1.1. The court added a second point because of Obyeis' guilty plea to assault in state court even though the disposition was deferred, reversed on appeal, and then *nolled* by the Commonwealth. (JA 188; JA 185, 187) This was an error under USSG § 4A1.2 and *United States v. McCrary*, 887 F.2d 485, 489 (4th Cir. 1989) where the Court held, "For the purpose of determining McCrary's criminal history category under Guidelines § 4A1.1, the Probation Office counted as a 'sentence of imprisonment' a suspended sentence the defendant received some nine years before in connection with an assault conviction. This was improper because, as the government concedes, 'to qualify as a sentence of imprisonment, the defendant must have actually served a period of imprisonment.' Id. § 4A1.2, Application Note 2."

Defense counsel added to the mistake by failing to object to this sentencing error. (U.S. Const. 6th Amend.; *Strickland v. Washington*, 466 U.S. 668 (1984) But for the district court's and defense council's errors, Mr. Obyeis' sentence range would have been 46 to 57 months rather than 51 to 63 months, all other sentencing factors remaining the same.

Argument 5 of our brief noted that two levels were unreasonably added under USSG § 3C1.1 for obstruction of justice because Mr. Obyeis visited his family in Iraq before he was arrested or arraigned. (JA 147) The prosecutor argued that his intent to avoid prosecution was evidenced by the fact that he gave up his apartment on January 7, 2023; asked his professor by email to attend classes remotely; and the friend who drove him to the airport on July 21, 2023, said he seemed like he was in a rush to get to the airport. (JA 73-76) Mr. Obyeis objected to the enhancement, noting he returned to the United States of his own volition; he was not under arrest, and the court had not obtained jurisdiction over him, at the time he was overseas; he was not extradited; no one told him to come home before he left; and in general there was no showing of obstruction. (JA 115-136)

The prosecutor made no claim that the government sought to arrest Obyeis before his trip or that the court otherwise had jurisdiction over him. In short, there was no evidence that Mr. Obyeis' actions significantly hindered the Government's investigation or obstructed the administration of justice. (*United States v. Blalock*, 1993 U.S. App. LEXIS 16040, *8 (4th Cir. 1993); USSG § 3C1.1 Application Note 1, 2, 4, 5) Mr. Obyeis' action did not fall within any of the acts of obstruction listed in USSG § 3C1.1 Application Notes 2 and 4, and are specifically excluded in Application Note 5. Mr. Obyeis' acts are defined as <u>not</u> constituting obstruction and are unreasonable for that reason. (*United States v. Cheatham*, 601 Fed. Appx. 194, 199 (4th Cir. 2015); *United States v. Smith*, 62 F.3d 641, 646-47 (4th Cir. 1995)

CONCLUSION

Since Mr. Obyeis' waiver of appeal was involuntary and unknowing, and he preserved his right to appeal issues of ineffectiveness of counsel and unreasonableness of his sentence, the Court of Appeals erred in summarily dismissing his appeal without considering its merits. We respectfully ask this Court to issue a *writ of certiorari* to review the Court of Appeals' dismissal of our appeal, and for such further relief it deems proper.

Respectfully submitted,

/s/ Mark Diamond
Attorney for Petitioner
7400 Beaufont Springs Dr., Ste 300
Richmond, VA 23225
(917) 660-8758
markd53@hotmail.com

APPENDIX

TABLE OF APPENDICES

Page

FILED: March 4, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4006
(3:23-cr-00012-JAG-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SALAH OBYEIS,

Defendant - Appellant.

O R D E R

Salah Obyeis seeks to appeal his 60-month sentence. The Government has moved to dismiss the appeal as barred by Obyeis's waiver of the right to appeal included in his plea agreement. In response, Obyeis contends that the appellate waiver in his plea agreement is unenforceable due to ineffective assistance of plea counsel, who should have objected to his sentencing enhancements. He also claims that the district court did not inform him of the specific appellate rights he was being asked to waive, and that his sentence is unreasonable and was improperly imposed, in part, to punish him for his anticipated challenge to his deportation. Upon review of the record, we conclude that Obyeis's arguments are without merit.

Pursuant to a plea agreement, a defendant may waive his appellate rights. *United States v. Archie*, 771 F.3d 217, 221 (4th Cir. 2014). Where, as here, the Government seeks enforcement of an appeal waiver and there is no claim that it breached its obligations under the plea agreement, we will enforce the waiver to preclude an appeal of specific issues if the waiver is valid and the issues fall within the scope of the waiver. *United States v. Soloff*, 993 F.3d 240, 243 (4th Cir. 2021). Whether a defendant validly waived his right to appeal is a question of law we review de novo. *Id.* The validity of an appeal waiver depends on whether the defendant knowingly and voluntarily waived his right to appeal. *United States v. McCoy*, 895 F.3d 358, 362 (4th Cir. 2018). To determine whether a waiver is valid, we examine "the totality of the circumstances, including the experience and conduct of the defendant, his educational background, and his knowledge of the plea agreement and its terms." *Id.* (internal quotation marks omitted). "Generally . . . if a district court questions a defendant regarding the waiver of appellate rights during the [Fed. R. Crim. P.] 11 colloquy and the record indicates that the defendant understood the full significance of the waiver," the waiver is both valid and enforceable. *Id.* (internal quotation marks omitted).

We have reviewed the record and the parties' submissions and conclude that Obyeis knowingly and voluntarily waived his right to appeal his conviction and sentence, and reserved only the rights to raise appellate claims of ineffective assistance of counsel claims that are cognizable on direct appeal. Upon review, ineffective assistance of counsel does not appear on the face of the record and thus Obyeis's ineffective assistance claim is not cognizable on direct appeal. *See United States v. Faulls*, 821 F.3d 502, 507-08 (4th Cir.

2016). Finally, we find that Obyeis's challenges to his 60-month prison term fall squarely within the scope of his valid waiver of appellate rights. Accordingly, we grant the Government's motion to dismiss (ECF No. 55) and deny the remaining motions as moot.

Entered at the direction of the panel: Judge Niemeyer, Judge Richardson, and Judge Quattlebaum.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: July 8, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4006
(3:23-cr-00012-JAG-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

SALAH OBYEIS

Defendant - Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Niemeyer, Judge Richardson, and Judge Quattlebaum.

For the Court

/s/ Nwamaka Anowi, Clerk

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Richmond Division

UNITED STATES OF AMERICA

v.

SALAH OBYEIS,

JUDGMENT IN A CRIMINAL CASE

Case Number: 3 :23CR000 12-00 l

USM Number: 07884-506

Gregory Sheldon, Esq.
Defendant's Attorney

The defendant pleaded guilty to Count One of the Indictment.

The defendant is adjudged guilty of:

Title and Section	Nature of Offense	Offense Ended	Count
18:1341	MAIL FRAUD	8/28/2019	One

The defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) Two through Five of the Indictment ☐ is ☒ are dismissed on the motion of the United States.

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 material changes in economic circumstances.

December 13 ,2023
Date of Imposition of Judgment

/s/
John A. Gibney, Jr.
Senior United States District Judge

13 December 2023
Date

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of SIXTY (60) MONTHS, with credit for time served on this charge.

The Court makes the following recommendations to the Bureau of Prisons:

1. THAT THE DEFENDANT BE DESIGNATED TO A FACILITY CLOSE TO RICHMOND, VA

The court makes the following recommendations to the Bureau of Prisons:

☒ 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

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of THREE (3) YEARS.

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 for 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.

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

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 officer 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 your 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 that you pose a risk to another person (including an organization), the probation officer 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

Defendant's Signature ________________________________ Date

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the probation officer.

2. The defendant shall provide the probation officer with access to requested financial information.

3. The defendant shall pay for the support of his minor child in any amount ordered by any social service agency or court of competent jurisdiction. In the absence of any such order, payments are to be made on a schedule to be determined by the Court at the inception of supervision, based on the defendant's financial circumstances.

4. The defendant shall pay the balance owed on any court-ordered financial obligations as follows:
Special Assessment – the defendant shall pay in monthly installments of not less than $10, starting 60 days after supervision begins until paid in full.
Restitution – the defendant shall pay in monthly installments of $10 or 25 percent of net income, whichever is greater, beginning 60 days after release from imprisonment.

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

CRIMINAL MONETARY PENALTIES

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

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 100.00	$ 229,742.54	$ 0.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ 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.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
See Restitution Order entered 12/13/23		229,742.54	
TOTALS	$	229,742.54	

☐ 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 the 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.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* 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.

Payments of Restitution are to made payable to the Clerk, United States District Court, Eastern District of Virginia.

Case Number: 3:23CR00012-01
Defendant's Name: OBYEIS, SALAH

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 $_____ due immediately, balance due
☐ not later than _____ , or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or

C ☐ Payment in equal *(e.g., weekly, monthly, quarterly)* installments of $ over a period of *(e.g., months or years)*, to commence *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal *(e.g., weekly, monthly, quarterly)* installments of $ over a period of *(e.g., months or years)*, to commence *(e.g., 30 or 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:

Special Assessment – the defendant shall pay in monthly installments of not less than $10, starting 60 days after release from imprisonment.
Restitution – the defendant shall pay in monthly installments of $10 or 25 percent of net income, whichever is greater, beginning 60 days after release from imprisonment.

Unless the Court has expressly ordered otherwise, if this Judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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 the Court.

☐ 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:
See the Consent Order of Forfeiture entered July 27, 2023

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.