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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE DISTRICT OF ARIZONA

10 United States of America,
 11 Plaintiff,
 12 vs.
 13 Mohamed Abdirahman Osman,
 14 Aka Mustaf Adan Arale
 15 Defendant.

CR 18-01584-TUC-RM (BGM)
 GOVERNMENT’S RESPONSE TO
 DEFENDANT’S MOTION TO CORRECT
 NAME

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 17 The United States of America, by and through its undersigned attorneys, hereby
 18 responds to Defendant’s Motion to Correct Name as set forth below.

19 Defense counsel claims his client’s true name is Mustaf Adan Arale, and filed a
 20 motion which requests this Court “to correct the indictment in this matter to reflect the
 21 defendant’s true name, Mustaf Adan Arale” (Doc. 30, pg. 1). Defendant’s motion is
 22 inappropriate, lacks merit and should be denied.

23 On August 8, 2018, a federal grand jury returned an indictment against Osman
 24 charging him with seven (7) counts of immigration fraud related charges and one (1) count
 25 of aiding and abetting his wife and co-defendant Zeinab Mohamed, to provide false and
 26 fictitious testimony to the United States Citizenship and Immigration Services (USCIS) in
 27 Tucson. Charges against Osman stem from false, fictitious and fraudulent statements
 28 made by Osman in documents submitted in support of his application for refugee status
 and legal permanent resident status and statements made during interviews in support of

1 both applications. Defendant Osman submitted his immigration documents, under oath,
2 using the name Mustaf Adan Arale, and stated in immigration interviews, under penalty of
3 perjury, that his name was Mustaf Adan Arale. He further represented that he had never
4 gone by any other name.

5 Investigation has revealed that Defendant Osman's true name is Mohamed
6 Abdirahman Osman and that he has made numerous other false statements in his
7 immigration applications, statements and interviews. Evidence of Osman's false
8 statements and misrepresentations have been corroborated by Defendant's admissions
9 described more completely below.

10 Agents executed a search warrant on Osman and Mohamed's home on March 24,
11 2017. On June 22, 2017 FBI, agents went to Osman's home to return items of property
12 that had been seized during the search warrant. At that time, Osman told agents that he
13 was worried about the investigation and that he had lied to agents. On June 27, 2017,
14 Osman admitted to agents that his true name was not Mustaf Adan Arale, but was
15 Mohamed Abdirahman Osman. He also indicated he had lied about other information he
16 had previously provided to immigration officials. He admitted that he was not from
17 Somalia, but was from Ethiopia; he admitted that he had been recruited by Al-Shabaab;
18 and that one of his brothers was a current member of Al-Shabaab.

19 Defendant's initial appearance/detention hearing began on August 14, 2018 and
20 concluded the next day. During the hearing, FBI Special Agent Benjamin Trentlage
21 testified regarding the evidence against Osman, the nature of the charges and the basis for
22 the government's argument that the defendant was a flight risk. At the conclusion of the
23 hearing, defense counsel asked Magistrate Judge Rateau to correct the Defendant's name
24 in the indictment to reflect his true name Mustaf Adan Arale. Judge Rateau refused to do
25 so, citing the nature of the charges. Judge Rateau's decision was correct.

26 First of all, defense counsel has presented no evidence to support his motion. Next,
27 his motion is inconsistent with the defendant's own admission to the FBI that he had
28 previously lied and his true name is Mohamed Abdirahman Osman.

1 For all of the reasons set forth above, Defendant's Motion to Correct Name should
2 be denied.

3 Respectfully submitted this 5th day of September, 2018.

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5 ELIZABETH A. STRANGE
6 First Assistant United States Attorney
7 District of Arizona

8 *s/Beverly K. Anderson*

9 BEVERLY K. ANDERSON
10 Assistant U.S. Attorney

11 Copy of the foregoing served electronically or by
12 other means this 5th day of September, 2018 to:

13 S. Jonathan Young, Esq.
14 Jay Sagar, Esq.
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