

A TALE OF THREE (FORMER) MUELLER DOCKETS

Because I'm wondering why Robert Mueller remains a DOJ employee, which makes it harder for the House Judiciary Committee to get his testimony by subpoenaing him, I wanted to observe the status of three different former Mueller dockets, three weeks after Mueller submitted his "final report."

The mass swap: Paul Manafort

First, there's Manafort's (and Rick Gates') docket. On March 25, the first work day after delivery of the report, every single Mueller prosecutor filed a notice of withdrawal (Kyle Freeny had already withdrawn on October 17, 2008):

- Adam Jed
- Andrew Weissmann
- Elizabeth Prelogar
- Greg Andres
- Jeanie Rhee
- Michael Dreeben
- Scott Meisler

Those seven prosecutors were replaced with a remarkably large team, considering Manafort is supposedly done, Rick Gates only awaits sentencing, and Konstantin Kilimnik presumably will never show up in the US to be prosecuted on his single witness tampering charge. The team includes:

- Deborah Curtis
- Fernando Campoamor-Sanchez
- Jonathan Kravis

- Molly Gaston
- Zia Mustafa Faruqui

The large team for a prosecution that's supposedly over is interesting for two reasons. First, Campoamor-Sanchez and Gaston just filed a status report in Gates' case saying he's not ready for sentencing. They specifically mention both Greg Craig's August 12 trial (both are on that prosecutorial team) and Roger Stone's November 5 trial suggesting they'll hold off on sentencing him until after those are done.

More interesting still has been the government response to WaPo's effort to unseal the redactions in Manafort's plea breach proceedings. At first, Dreeben and Jed filed appearances, signing a request for an extension on March 19, just three days before Mueller finished a report that included new details about issues (the sharing of polling data and the Ukraine "peace" deals) that made up one of the most redacted topics in the breach proceedings. On March 27, Dreeben, Jed, and DC AUSA Jonathan Kravis filed another request for an extension, citing the transfer of "this matter" to the DC US Attorney's office. After securing that extension on March 28, Dreeben, but not Jed, filed a notice of withdrawal on March 29. On April 15, Kravis responded by saying that the government could not yet unseal the documents – it went through and listed all the documents at issue – because of ongoing investigations, plural, and privacy concerns; the filing said WaPo should check back in six months.

We know what some of the ongoing investigations are: there's the government's effort to learn via what kickback system Manafort got paid, as well as some other attempt to save Trump's campaign in August 2016 where Manafort's lies aligned with those of the person trying to avoid prosecution after he signed the plea.

Still, that doesn't explain why the polling and Ukraine stuff can't be unsealed. Unless the

government's trying to hide Manafort's lies about it all. Or the government continues to investigate Manafort's post-election efforts to help Russia carve up Ukraine.

The new addition: Mike Flynn

Compare that to Mike Flynn's case, which seems to be a mid-point between Manafort and Gates' status. There, Brandon Van Grack (who has been put in charge of DOJ's new FARA unit) and Zainab Ahmad (who has moved back to her old prosecutor job) remain on the docket. On April 9, Deborah Curtis joined that docket. She seems to be dealing with the ongoing counterintelligence interests arising out of Flynn's case. She has joined Brandon Van Grack in WaPo's suit to obtain the sentencing documents not yet made public. The government has to submit a response to WaPo's request in that case tomorrow.

And on May 7, prosecutors in the Bijan Kian case requested and got an extension on some discovery materials; previously there had been a delay in turning over materials related to Flynn's cooperation with Mueller.

The hybrid: Roger Stone

Finally, there's Stone's case. That case is different because DC AUSAs were included from the time Stone was indicted.

- Jonathan Kravis
- Michael Marando

Several of the Mueller prosecutors filed withdrawal notices on April 16, presumably when the considerable work of redacting all the Stone references in the Mueller Report was done.

- Jeannie Rhee
- Rush Atkinson

Andrew Goldstein didn't file his notice of withdrawal until April 30, the day of Stone's last status hearing. Adam Jed, one of Mueller's appellate specialists, filed a notice of appearance that day, not long after Stone submitted a bunch of largely frivolous challenges to his prosecution that tie in part to Mueller's mandate. One other Mueller prosecutor, Aaron Zelinsky, remains on the docket.

Zelinsky's continued presence on the docket may be tied to the Andrew Miller challenge to a subpoena. I've wondered if Mueller remains at DOJ to keep that and the Mystery Appellant subpoena challenges active.

As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.