

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MARIA BUTINA, )  
APPELLANT, )  
 )  
 v. )  
UNITED STATES, )  
APPELLEE. )

Case No.: 19-3039

July 1, 2019

**Abouhoussein’s Motion for Leave to File Amicus Curiae Brief**

Hamdy Alex Abouhoussein moves for leave to file Amicus Curiae Brief repeating his pre-plea hearing Amicus Brief in District Court, which raised the violation of *Brady v. Maryland* on exculpatory evidence including the FBI’s use of Butina in a dangle operation to entrap Abouhoussein. Months before the plea deal, Abouhoussein met Butina’s attorney in his office to share the information of the FBI dangle operation, and had his picture taken to be shown to Butina in jail<sup>1</sup>. Abouhoussein sent letters to Butina in jail bearing her hidden exculpatory evidence, which were withheld from her.

Abouhoussein moves for Butina’s immediate release on Habeas Corpus pursuant to this Court in *Katzenbach*.<sup>2</sup>

**AMICUS BRIEF IN SUPPORT OF RELEASE IN HABEAS CORPUS.**

Amicus Abouhoussein was branded a Russian GRU agent years ago, and in public contested the false spying allegations including two separate

<sup>1</sup> Defense attempted discovery of dangle op., but got slammed with a gag order after DOJ Glomar reply. Dkt # 42.

<sup>2</sup> “WHEREAS the prosecution did not disclose to the defense at or before trial certain information in its possession which had some bearing on the case; and WHEREAS, the District Court did not find whether this nondisclosure was or was not negligent; and WHEREAS, if it was negligent, according to the test to be stated in an opinion or opinions to be filed by this court, it would follow in the view of the majority of this court that the defendant should be released on habeas corpus.” *Levin v. Katzenbach*, 363 F. 2d 287 - Court of Appeals, Dist. of Columbia Circuit 1966.

appeals in this Court. US Supreme Court, Pet. Cert. (denied) No. 10-739, then-Judge, Hon. Merrick Garland, wrote the opinion. Although Abouhussein was neither indicted nor arrested for spying, he remains subject to FISC warrants. All three FISC judges, including Hon. Sentelle, know Abouhussein, see letter from Hon. Reggie Walton, FISC former Chief Judge, with attached FISC motion, submitted to FISC chief Judge, Hon. Collyer (exh. 1).

Needlessly, where Abouhussein is out there talking in the public square about the false Russian spying allegations, for months the District Court did not publish any notice of Abouhussein's Amicus Brief exonerating Butina, Dkt # 77.

Long after Butina pled guilty, District Court Clerk, in a single sentence, mentioned Abouhussein's Amicus Brief denial in Docket Entry No. 77, without recording the pre-plea date of submission to alert the Court to a travesty of justice precluding any future guilty plea. Butina preserves a claimed error per Fed. R. Criminal P., Rule 51.

Plainly, one cannot tell exactly when, before accepting Butina's guilty plea, did Judge Chutkan learn of the jail's blocking of Abouhussein's letters to Butina, including his pictures, or the FBI dangle operation. Moreover, as the plea hearing transcript shows, Butina responded to the Judge's sequence

of questions about effectiveness of each of her then-three attorneys<sup>3</sup>, including the just-appointed for the plea negotiations role, A.J. Kramer<sup>4</sup>, who was yet to meet Abouhusein (they met outside the courtroom after the plea hearing, see pre-plea email from Abouhusein to Kramer, exh 2). Upon information and belief, Butina approved her attorneys' performance only because they, under DOJ's duress and a gag order, never informed her of the FBI dangle operation and surrendered to the prosecutors' intimidation by keeping the dangle operation out of the public eye and trial record<sup>5</sup>. Admittedly, choice was either a rock or a hard place.

However, Judge Chutkan did sentence Butina to 18 months in prison *after* the notice of Abouhusein's Amicus Brief Docket No. 77 was entered, which means Judge Chutkan was *timely* presented with the "FBI dangle" and "letters blocked by Butina's jail" *Brady* issues. Per Rule 51, this Honorable Court now has a lawful duty to investigate the issue of the FBI's dangle operation that intentionally built up an oligarch-connected naive student as a false spy before casting her sex lure to hook the homeless Abouhusein, who

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<sup>3</sup> In *Rashad*, 331 F.3d 908 (2003), this Court found a lawyer's advice to reject a plea offer constituted ineffective assistance of counsel. Invoking this Court's procedure for cases in which the defendant raises on appeal a colorable and previously unexplored claim of ineffective assistance. Equally, an advice to accept a plea offer when Defendant is uninformed of the FBI dangle operation (still unknown to date to Butina), requires an evidentiary hearing.

<sup>4</sup> Kramer was appointed after a vague Conflict of Interest of the other two attorneys: both met Abouhusein.

<sup>5</sup> In this very same Court the very same Kramer had argued that the district court abused its discretion by not holding an evidentiary hearing on claims that a trial counsel had a conflict of interest that denied the effective assistance of counsel under *Cuyler v. Sullivan*, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980). "Because Taylor's averments related to matters outside of the trial record and were sufficient to demonstrate, if credited, that trial counsel had a conflict of interest that adversely affected the adequacy of his representation, we reverse and remand the case for an evidentiary hearing." *Taylor*, 139 F.3d 924 (CADC 1998). Amicus believes all three are good men.

was attending a public event at the Heritage Foundation to eat the free lunch as usual. Had he swallowed the lure<sup>6</sup>, any Grand Jury would indict this *Hamdy* Sandwich of a spy couple with ties to Putin, which explains Prosecutors' honeypot sex allegations tainting Butina upon her arrest. Only in America!

Butina's urgent need for new counsel is apparent since all attorneys (see email to Butina boyfriend's attorney, exh. 3), had bent to prosecutors in withholding their knowledge of the FBI dangle operation from Butina before she was forced to plead guilty in exchange for relief from Solitary Confinement, while the attorneys allowed themselves to be fooled by the false promise of a sentence of time served. Instead, upon her scheduled release next year, Butina shall be TV-paraded at the conclusion of the 2020 primaries, culminating with an O. J. Simpson-like chase to the Airport, then wide-angle screenshots of millions of angry Russian hostiles welcoming the POW home; *House of Cards'* writers fade in comparison.

Amicus moves for the dismissal of Butina's honorable and conflicted attorneys from instant appeal, and has asked the 80 yo retired Judge, Hon. Richard Posner, to take over his representation before FISC and Congressional Committees investigating his Whistleblower ordeal. If this

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<sup>6</sup> The leadership of the Heritage Foundation and its security reviewed Abouhusein's story on his avoiding Butina.

Court concurs, Abouhoussein could seek Hon. Posner for the oral argument of instant Amicus Brief of a pro se Butina<sup>7</sup>.

Pending the resolution of this appeal, Abouhoussein moves for Butina's release in Habeas Corpus. When free, she shall have an opportunity to reprise Abouhoussein's role in wearing his custom T-shirt inside Senate Judiciary meetings, shirt reads "FBI Used Toddler for SEX", see picture of shirt front/back, worn daily by Abouhoussein inside Congressional buildings for over two years, exh. 4.

Abouhoussein was arrested by Capitol Police while wearing his signature T-shirt surrounded by FBI agents in FBI Director Wray's entourage, and recently is Court Ordered to Stay Away of Capitol Hill grounds pending his criminal misdemeanor trial for Unlawful Entry into a Senate Hearing Room, see *U.S. v. Abouhoussein*, 2019-CMD- 006277, DC Superior Court eAccess website, for Abouhoussein's affidavit in support of MTD, and DC Court of Appeals' ruling on Abouhoussein's Petition for Writ of Mandamus to bar Secret Proceedings and DOJ's Extra-Record Information from the Chambers.

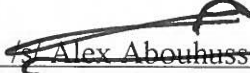
Butina should wear this T-shirt; FBI Toddler Sex is the cause of her ordeal. The FBI is scaring US senators away from the Toddler sex claim, and even has shadow ban on Twitter pictures. Maria Butina in Abouhoussein's T-

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<sup>7</sup> Butina remains unfunded, so Amicus moves this Honorable Court to appoint a high-powered Counsel from a big law firm with ample resources to assist Hon. Posner. Alternatively, the Appellate Litigation Clinic at Georgetown University Law Center would assist a pro se Butina if appointed by this court when Hon. Posner agrees to argue the case on behalf of the pro se Butina. Abouhoussein argued in lower courts, and if this Court may allow, is ready to argue instant Brief; this Bobby McGee is free from fear.

shirt cannot be shut. Pithily, the FBI and Cosmic Justice destined both to be a couple. Let it be.

Respectfully Submitted,

  
/s/ Alex Abouhussein  
Hamdy Alex Abou-Hussein


**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**CERTIFICATE OF SERVICE**

For timeliness purposes, it shall be presumed that the parties received the forgoing Amicus Brief within five (5) calendar days after the date it was posted using CM/ECF. Four Hard copies are handed to the clerk of court. I certify that on July1, 2019, the forgoing brief was hand served to the attention of the following:

U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
Criminal Division  
555 Fourth Street, NW  
Washington , DC 20530

Respectfully Submitted,

  
/s/ Alex Abouhussein  
Hamdy Alex Abou-Hussein, Lincoln's Church  
1313 New York Avenue, Washington, DC 20005



United States District Court  
for the District of Columbia  
Washington, D.C. 20001

Chambers of  
Reggie B. Walton  
United States District Judge

June 10, 2019

Alex Abouhussein  
Presbyterian Church  
1313 New York Avenue  
Washington, DC 20005

Dear Mr. Abouhussein:

The Court is in receipt of your letter and Motion for an Order to Investigate, in which you request that the Foreign Intelligence Surveillance Court ("FISC") issue an order directing the government to investigate the purported targeting of a Federal Bureau of Investigation whistleblower. I am no longer a member of the FISC and judges are not permitted to respond to legal questions that are not directly raised in a case assigned to them. And a response to your request would amount to legal advice. Therefore, I am unable to respond to your inquiry in any manner either on my behalf or on behalf of the Court. I have, however, forwarded your letter and motion to Judge Collyer, the Presiding Judge of the FISC.

Sincerely,

A handwritten signature in blue ink that reads "Reggie B. Walton".

Reggie B. Walton  
United States District Judge



**UNITED STATES**  
**FOREIGN INTELLIGENCE SURVEILLANCE COURT**  
**WASHINGTON, D.C.**

IN RE HAMDY ALEX ABOU-HUSSEIN

Docket No.:


**MOTION FOR AN ORDER TO INVESTIGATE**

H. Alex Abouhussein (“Abouhussein”) respectfully moves this Court to exercise its inherent authority to protect the integrity of the Federal Intelligence Surveillance Act (FISA) process and direct the federal government to conduct a thorough investigation into the ongoing targeting of an FBI whistleblower using nearly thirty<sup>1</sup> (30) FISA warrant renewals obtained by fraud on this Court since 2012.

Abouhussein’s Bivens Action against Unknown Agents was in 2012 assigned to District Court Judge Richard Lyon who, upon apparent learning of Abouhussein’s FISC-issued warrant, reassigned Abouhussein to FISC Chief Judge, Hon. Walton, who in turn transferred the Bivens Action to South Carolina District Court in 2013. US Attorney’s Office in Charleston, SC, then passed Extra-Record FISC Information to three Judges who presided over the Bivens action, ensuring a dismissal with prejudice. Abouhussein is now being tried criminally for unlawful entry into a US Senate Hearing room.

As ground for his Motion, Abouhussein respectfully refers the Court to the accompanying Memorandum of Law.

Respectfully submitted,

  
Alex Abouhussein

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<sup>1</sup> It is impossible for Abouhussein to know the breadth and extent of the FISC's orders. But this Court knows its orders and is uniquely situated to take action to determine whether its orders are being abused.



**My visiting Maria Butina in jail**

Thu 12/6/2018 9:27 PM

Dear Mr. Kramer,

I heard on the news that you are appointed to represent Ms. Butina; you should know that my own tartargeting by the FBI is the reason she is in solitary confinement. Butina was a tool for the FBI to frame me with a contrived Russian connection, and she doesn't even know it since the evidence I mailed her in prison didn't reach her, which I learned when I called her attorney, Alfred Carry, last week. It appears her attorneys took the easy way out. You should let her family know.

Alex Abouhussein  
Former FBI Contractor and Whistleblower

----- Forwarded message -----

From: Alex &lt;&gt;

Date: Sep 12, 2018 11:03 AM

Subject: Visiting Maria Butina in jail

To: Faith Bottum

Cc: xxxxxxxxxxxxxxxxxxxxxxxx

Sept. 12, 2018, by certified mail to Alexandria Detention Center,  
2001 Mill Rd, Alexandria, VA 22314

Dear Ms. Butina,

I'm the man whom your attorneys showed you a picture of, and inquired about who asked you to try to befriend me at a Second Amendment event last year at the Heritage Foundation (nearest think tank to Union Station). I called your attorneys' office yesterday, and spoke with Alfred Carrey, whom I have met last month to have a prompt exoneration of you (and allowed him to take said picture), but instead you were moved to a new jail, and your attorneys now appear well situated to make a plea deal on a lesser FARA charge not in your best interest. Mr. Driscoll's firm has many wealthy clients, who will pay handsomely not to spend anytime in jail, and the incriminating information I provided Driscoll about how you were framed by the FBI and DOJ, would give Mr. Driscoll's firm a leg up with so many lucrative clients with worth in the \$Billions. Instead of spending this year in jail till a plea bargain to get you out for time served, an honest advocate would have gotten you out yesterday, then sued the FBI/DOJ for damages. I told US Senators about how you were set up, and they laughed and won't raise a finger to help you. Please allow the attached Senate letter to explain my background of being framed as a Russian spy myself, and also my email **in support of your claim of innocence to your friend Faith Bottum after her essay about you in *the Federalist*.** Faith: please get this message out to Maria's family!

In a way I contributed to your ordeal- I arrived in DC in late 2015 to expose a corrupt FBI cabal, and that cabal responded by throwing women honeypots at me to set me up; the last woman I dated in South Carolina looked a lot like you! In 2016, I met a diplomatic mission woman from

Spain named Maria and we liked each other; Maria was promptly recruited by the FBI but made a lousy informant. I have already told the Spanish Maria that the FBI is after me the first time we opened up, so at least she knew who is moving here against me, but it still hurt a lot to lose yet another friend (I was actually singing Santana's song, Maria Maria, in my sleep before this happened). The FBI must be recording me while sleeping in my car, since soon after they attempted getting me a photogenic girlfriend named Maria Butina, who looks like my ex, and speaks Russian to box us into a Russian spy ring. I ran away when you smiled at this hobo stranger (Russians don't smile like Americans do, I visited depressed Russia in 1997 where the Metro smelled of Vodka).

I also read you're a heavy drinker, and bragged about being KGB agent while drunk, which means you sensed being toyed with, but couldn't fathom how! I have stopped drinking in mid 2014, and only resumed drinking in March 2016 after I witnessed a baby girl being sexually assaulted inside a men's shower; I almost attacked the FBI informant inside the shower, but held off at the last second (I would be serving a life sentence now have I fell into that trap.) Your current attorneys know about me and the baby girl, and could use this leverage against the DOJ to get very rich; the baby girl story is suppressed by a gag order, and now yours as well. I have devoted my life to champion the cause of the baby girl, and if you allow me, I will be your champion as well.

I need solid confirmation you received this letter, preferably in person, so name me to your jail's visit officer, and I will come over to meet and advice how to get you out on the spot.

Threaten to fire your attorneys, and represent yourself where no court could impose a gag order on your declaring innocence for being played by the FBI, and mention my name as the true FBI target to cover up FBI sex assault on a baby girl (see U.S. Supreme Court, Gentile v. State bar of Arizona to know your rights here, no court would cite you for speaking out.) Hope to meet you soon.

Best,  
Alex Abouhusein

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**From:** Alex <>  
**Sent:** Thursday, August 23, 2018 2:46 PM  
**To:** Faith Bottum  
**Cc:** xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

**Subject:** Maria Butina is a sacrifice pawn

Dear Ms. Bottum,

Your Federalist essay about your friend Butina is touching, and showed the injustice handed down to a young woman presumed ditzy by her handler, an FBI proxy. I make this statement from my personal observation of her; she tried to pick me up at an event in DC at the Heritage

Foundation last year, while I'm 23 years her senior, homeless with occasionally unpleasant body odor, and was only at the event for the free lunch as usual.

Her handler is a proxy of the FBI cause only the feds have my pictures and realtime location at any moment. I'm underseige by the entire DOJ that even local Washington attorneys whom I contact get dragged into DOJ NSD to be warned before they take my case. One such big law DC attorney, Moustakis of Goodwin, even told me NSD took him for lunch in the 4 hour interval between my call for appointment and our meeing. This is why I try to get a British attorney right now.

I even went to the law office representing Butina, met attorney Alfred Carey, who took my pictures to show them to Butina in jail, and find out who directed her to charm a homeless whistleblower that would be painted Russian when dating her. I blew her off on the spot, like I did to countless FBI honeypots. Her attorneys should get her out of jail by making the matter public, unless they too cug a deal on other wealthy defendants.. I really feel sorry for her wasting in jail not knowing who played her. There is a political war going on in DC now, Butina and I are collateral damage! I believe in karma.

Please let her know what her attorney now knows: I have told Senate Intel committee but they don't give a damn about little people like us. One senator laughed!

Peace.

Alex Abouhoussein

----- Forwarded message -----

From: Alex <habou24@hotmail.com>

Date: Aug 20, 2018 11:16 PM

Subject: Schedule call to prevent Phone tag

To: xxxxxxxxxxxxxxxx.com.au

Mr. Barns- 13 hours separate Tassies from Washingtonians, so we need to agree on a time to call you! I'm an American whistle blower currently underseige in DC, where the US Government had falsely claimed me a Russian mole yet has no idea how to make it stick. It gets worse, an FBI Agent used a pimp selling child prostitutes trying to frame me, and now the DOJ cannot unravel the mess but keep the story suppressed. I have full documentation, and need to speak with you.

I understand you know folks in London who could help, like Helena Kenndy for example. Please let me know when to call you.

Best,

Alex Abouhoussein