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## Judge tosses evidence from FISA warrant against Muslim man

**U.S District Judge John A. Kronstadt ruled that IRS Special Agent Andrew Weiner “acted in reckless disregard of the truth.”**

An initial search warrant obtained against a Muslim immigrant targeted with Foreign Intelligence Surveillance Act violations contained false information and the agent in the case acted recklessly with the truth, a federal judge in Los Angeles ruled and granted a motion to suppress evidence collected from it.

“For several reasons, [defendant] Osseily has established by a preponderance of the evidence that [IRS Special Agent Andrew Weiner] acted in reckless disregard of the truth,” wrote U.S District Judge John A. Kronstadt in a Wednesday order. “First, Weiner failed to identify the repeated, incorrect statements in the drafts of the [FBI agent Ramos affidavit, to raise them with Ramos, or to correct them, despite reviewing them and the underlying documents several times.” USA v. Osseily, 8:19-cr-00117 (C.D. Cal, filed Jun. 28, 2019).

Osseily is represented by Bilal Essayli and David A. Brown of Essayli and Brown LLP, and Timothy A Scott and Marcus Sean Bourassa of McKenzie Scott PC. Essayli said he could not provide comment on Friday.

The case, filed in 2019, related to the government’s use of the Classified Information Procedures Act, which was disclosed to Abdallah Osseily, a Lebanese Muslim man fighting fraud charges. The act is a tool typically used by the government to keep defendants from seeing classified information in a criminal case.

Assistant U.S. Attorneys Annamartine Salick, Gabriel Podesta, Matthew J. Jacobs and Robert I. Lester represented the government. They could not be reached for comment Friday.

The government targeted Osseily with FISA surveillance in 2019 and then challenged his ability to have the warrant reviewed in court. Now, the judge decided that the agencies made changes to his affidavit, making it inaccurate.

The government failed to show sufficient evidence of inevitable discovery, ruled Kronstadt when granting a motion to suppress evidence filed by Oselly’s attorneys in September.

“Because the Government has not shown that [FBI agent] Ramos inevitably would have taken any particular steps in the investigation absent the production resulting from the 2019 Search Warrant, it has not shown that ‘routine procedures’ would have uncovered all of the substantial evidence at issue,” Konstadt wrote.

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