IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	**Criminal No. 4:25-cr-00415**
	§	
	§	
RAMON ALEXANDRO ROVIROSA MARTINEZ,	§	
	§	
	§	
Defendant.	§	
	§	

GOVERNMENT'S RESPONSE TO ROVIROSA'S THIRD MOTION TO DISMISS

The United States hereby files its response to the *Third Motion to Dismiss*, Dkt. 60, filed by Defendant Ramon Alexandro Rovirosa Martinez ("Rovirosa").

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

RULES

INTRODUCTION

Rovirosa's requests are extreme and unwarranted. In effect, he asks this Court to do one of two extraordinary things: grant him immunity for the charged crimes, or suppress powerful evidence of his guilt without any showing of prejudice or bad faith. Rovirosa neither cites nor engages with binding Fifth Circuit precedent on these issues. Instead, he relies on a series of red herrings—including cases from decades ago that are no longer good law and bear no relevance to the matters before this Court.

As the Government's discovery letters and filings reflect, although not required by the Constitution or the Federal Rules of Criminal Procedure, the Government intended, in good faith, to produce *all* of the non-privileged data from Avila's devices, not just the evidence hitting on search terms. Due to a misapplication of protocols, that exhaustive production did not happen, and the data from Avila's devices was run through the same search terms as other devices in the case. The Government disclosed the issue to the Court and Rovirosa's counsel the same day it was discovered, and the Government anticipates that the remaining device data, much of which consists of operating system and other non-substantive files, will be produced to defense counsel later this week.

Given these facts, neither of Rovirosa's proposed remedies are appropriate. Binding Fifth Circuit precedent is crystal clear: materials that are produced before trial are not "suppressed" for purposes of *Brady*. Moreover, neither dismissal nor exclusion of evidence is an appropriate remedy where i) no bad faith has been alleged or demonstrated, ii) there has been no prejudice to the defendant, and iii) a continuance will cure any potential prejudice. All those criteria apply here. To date, Rovirosa has identified no actual prejudice from the pre-trial disclosure and no bad faith on the part of the Government. The brief, two-week continuance ordered by the Court will cure any potential prejudice because it allows Rovirosa the opportunity to review the Avila data

and adjust his trial strategy, if necessary, before trial begins.[1] And the short delay itself is not harmful to Rovirosa's substantial rights: Rovirosa is not detained, and the Speedy Trial Act clock has not yet started to run.

FACTUAL AND PROCEDURAL BACKGROUND

On August 6, 2025, the Grand Jury returned a four-count Indictment against Rovirosa and Avila charging them with crimes related to their scheme to bribe PEMEX officials in exchange for favorable treatment for Rovirosa's companies. Rovirosa was arraigned on August 11, 2025,[2] and, that same day, the Government sent Rovirosa's then-counsel a draft Protective Order. The next day (August 12, 2025), after Rovirosa's counsel agreed to the Protective Order, the Government made its first production, consisting of two volumes of over 88,000 documents, accompanied by a cover letter, detailed discovery index, and a letter to Rovirosa's counsel giving an overview of the types of documents the Government was producing and the steps it was taking to avoid production of irrelevant data ("Discovery Letter"). *See* Dkt. 32-2. Specifically, the Discovery Letter stated that the Government would "produce any non-privileged materials from Rovirosa's devices to Avila, and vice versa," *id*. at ¶ 1(c), and that, "[f]or all other device data that the Government has collected as part of its broader investigation," the Government would use specified search terms to identify and "produce any non-privileged hits on those terms to both Defendants." *Id*. at ¶ 1(d), Appendix A (search terms to be used).

The Government continued to produce materials to Rovirosa's then-counsel until Rovirosa filed a motion to substitute counsel on August 25, 2025. Dkt. 24. Even before the Court granted

[1] To the extent Rovirosa believes he needs more time to cure any potential prejudice, he is free to move the Court for another continuance. Based on court filings and correspondence, however, it appears that Rovirosa believes he will be ready to proceed to trial on October 20, 2025.

[2] Avila is currently a fugitive in Mexico with no known return date. The Court granted Rovirosa's Motion to Sever on September 25, 2025. Dkt. 50.

that motion, on August 28, 2025, the Government contacted Rovirosa's new potential counsel, and, after they agreed to the Protective Order, the Government provided them with the Discovery Letter, a production letter for the Government's first four volumes of discovery, and a discovery index. The Government also arranged to reproduce all four volumes of discovery available at that point, including the first two volumes which, due to size limitations, were uploaded to an external drive which was sent to Rovirosa's counsel via FedEx on August 29, 2025, and was delivered September 2, 2025.

The Government made repeated good-faith efforts to not only comply fully with its discovery obligations, but also to ensure that Rovirosa was able to access the produced materials. For example, after Rovirosa's counsel expressed challenges in opening standard encrypted files, the Government sent a new external drive of discovery materials which the Government then manually unencrypted and provided directly to Rovirosa's counsel on September 10, 2025.

The Government continued to make periodic productions, totaling thousands of documents and including certified translations of Spanish-language materials, to Rovirosa throughout September 2025. Notably, the vast majority of the material from the Avila devices that the Government intends to use as exhibits at trial was produced to Rovirosa in the first wave of production dated August 12, 2025, and reproduced to Rovirosa's current counsel on an unencrypted drive that was delivered on or about September 10, 2025. The Government's initial exhibit list, which it sent to Rovirosa on September 22, 2025, listed these documents as well as their production Bates numbers.

On October 1, 2025, in the course of regular production cross-checks, the Government discovered that the Avila device data had not been processed and produced as intended. Specifically, rather than releasing all non-privileged materials from the Avila devices to Rovirosa,

as specified in Paragraph 1(c) of the Discovery Letter, the search-term protocol detailed in Paragraph 1(d) and Appendix A from the Discovery Letter had been applied to the Avila devices. *See* Dkt. 32-2. The misapplication of protocols resulted in the omission of approximately 750,000 files from the production of materials the Government had intended to provide. As soon as it learned of the issue, the Government immediately took action to begin processing the remaining files for production and, that same day, notified defense counsel and the Court about what had happened and what steps it was taking to address it. Also that same day, the Government produced (1) all of the WhatsApp "parent chats" from Avila's devices; and (2) an Excel file containing an index showing all of the remaining "items" from the devices.[3] In the week since discovering this misapplication, the Government has made its best efforts to produce the remaining Avila device materials to Rovirosa as expeditiously as possible and, as referenced previously, anticipates being able to provide all outstanding files to Rovirosa by the end of this week.

LEGAL STANDARD

Rovirosa's Motion is governed by a straightforward application of the Fifth Circuit's holdings in *United States v. Swenson*, 894 F.3d 677 (5th Cir. 2018) and *United States v. Garrett*, 238 F.3d 293 (5th Cir. 2000). Both cases involved instances where the government inadvertently failed to disclose evidence until shortly before trial. In both cases, the Fifth Circuit held that a continuance—not dismissal or exclusion—was the proper remedy. There are two fundamental aspects of those holdings.

First, the Fifth Circuit's ruling in *Swenson* stands for the proposition that there simply is no *Brady* violation if evidence is disclosed prior to trial. In *Swenson*, the district court entered a

[3] This index, which includes the metadata for these materials indicates that the majority of the items from the Avila devices are non-substantive in nature, such as operating system and application data. For example, approximately 65 percent of the entries appear to be location data.

dismissal order following multiple belated disclosures, including on the eve of trial. *Swenson*, 894 F.3d at 682. The trial court noted that the case had been pending for three years and that the court had previously imposed a discovery deadline. *Id.* at 679, 682. On appeal, the dismissal order was overturned. The Fifth Circuit held that, in order to show a *Brady* violation, "a defendant must show: (1) the evidence at issue was favorable to the accused, either because it was exculpatory or impeaching; (2) the evidence was suppressed by the prosecution; and (3) the evidence was material." *Id.* at 683 (citations omitted). In *Swenson*, the Fifth Circuit did not even need to reach the first and third prongs of the analysis because, "[u]nder this court's case law, evidence that is turned over to the defense *during* trial, let alone *before* trial, has never been considered suppressed." *Id.* (citing *Powell v. Quarterman*, 536 F.3d 325, 335 (5th Cir. 2008)) (emphasis in original).

Second, both *Garrett* and *Swenson* stand for the proposition that, even though district courts retain "broad discretion" to impose sanctions in order to ensure compliance with discovery orders, there is no basis for exclusion of evidence or dismissal of charges when a continuance is a suitable remedy. In both cases, the Fifth Circuit noted that, "before employing sanctions," the court must "carefully weigh several factors" including: "1) the reasons why disclosure was not made; 2) the amount of prejudice to the opposing party; 3) the feasibility of curing such prejudice with a continuance of the trial; and 4) any other relevant circumstances." *Swenson*, 894 F.3d at 684 (quoting *Garrett*, 238 F.3d at 298). Notably, "in fashioning any such sanction, the district court should impose only that sanction which is the least severe way to effect compliance with the court's discovery orders." *Garrett*, 238 F.3d at 298.

ARGUMENT

I. There Is No Basis for Exclusion or Dismissal Because Rovirosa Is Not Prejudiced and Cannot Show Bad Faith.

Rovirosa suggests that the Court entertain two potential remedies for the Government's delayed disclosure: (1) exclusion of all the evidence from Avila's devices; or (2) outright dismissal of the case. Rovirosa's Motion fails to engage with binding Fifth Circuit precedent foreclosing both of these extreme requests—here, there has been no suppression of evidence, and Rovirosa cannot show prejudice or bad faith by the Government.

A. No *Brady* Violation

As an initial matter, there can be no *Brady* violation because, even if Rovirosa identifies exculpatory material in the relevant Avila data, the material at issue is being disclosed before trial. As the Fifth Circuit recognized, "evidence that is turned over to the defense *during* trial, let alone *before* trial, has never been considered suppressed." *Swenson*, 894 F.3d at 683 (emphasis in original). Moreover, "[i]f the defendant received the material in time to put it to effective use at trial, his conviction should not be reversed simply because it was not disclosed as early as it might have and, indeed, should have been." *Id.* (quoting *United States v. McKinney*, 758 F.2d 1036, 1050 (5th Cir. 1985)). Importantly, in *Swenson*, the Fifth Circuit determined that the defendant's argument that the delay altered her trial strategy was "too speculative" to warrant any relief. *Id.* at 684. And, even though pretrial proceedings lasted three years, the Fifth Circuit also found persuasive the fact that "Swenson was not confined" while awaiting trial. *Id*. (noting also that, "even if Swenson could show a *Brady* violation, the usual remedy is a new trial, not dismissal with prejudice").

B. No Actual Prejudice or Bad Faith

Rovirosa has made no showing whatsoever of bad faith on the part of the Government or of actual prejudice to his case. To the extent he is arguing potential prejudice, that has been cured by the short continuance ordered by the Court.

An analysis of *Garrett* is instructive. In *Garrett*, the trial court ordered the government to produce a series of documents relating to witnesses—including target letters to those individuals—before trial. 238 F.4d at 296–97. The government did so in part but also made a substantial additional production the day of trial. *Id.* at 297. The defendants filed motions to dismiss and for sanctions, and the trial court excluded from trial any witnesses for whom the government had failed to produce target letters by the court's deadline. *Id.* The Fifth Circuit found that the district court abused its discretion in issuing that order to exclude. It also noted that "putting trial preparation into minor disarray" did not constitute prejudice, nor could there be prejudice if the "defendant had time to put the information to use." *Id*. at 299. The Fifth Circuit also held that a brief delay could have cured the delayed disclosure. *Id.* at 301. Finally, the Fifth Circuit found persuasive the government's argument that "allowing such a harsh sanction to stand in these circumstances essentially obliterates its case against individuals who were duly indicted based upon probable cause to believe they committed crimes against the government." *Id.* at 301. Accordingly, the Fifth Circuit held that exclusion of the witnesses at trial was a "draconian sanction" that was unwarranted. *Id.* at 295.

This holding has been extended to even more extreme cases of delayed disclosures. In *United States v. Alonzo-Lopez*, 756 F. Supp. 3d 399 (W.D. Tex. 2024), the trial court declined to exclude evidence that was discovered and produced shortly before trial and well after the court's discovery deadline. The court expressed its severe disapproval of what it characterized as the

government's "blatant[] and material[] disregard[] [of] the Court's orders" and added that the "delay has caused significant inconvenience for Defendant." *Id.* at 405. However, even this was insufficient to warrant exclusion or dismissal. Applying the *Garrett* factors, the court noted that, "[w]ithout a finding of bad faith, the Court is unable to impose the severe sanctions of dismissal or exclusion of evidence." *Id.* at 404. The court further noted that "[b]ecause a 'court should impose the least severe sanction that will accomplish the desired result—prompt and full compliance with the court's discovery orders,' the Court is unable to impose the severe sanctions of dismissing Defendant's charges or excluding the Government's untimely discovery." *Id*. at 405 (*quoting United States v. Sarcinelli*, 667 F.2d 5, 7 (5th Cir. 1982)). *See also United States v. Dvorin*, 817 F.3d 438, 453 (5th Cir. 2016) ("Generally, a district court will not impose severe sanctions, like suppression of evidence, where the government's discovery violations were not committed in bad faith."); *United States v. Boswell*, No. 2:18-CR-00162-01, 2022 U.S. Dist. LEXIS 145840, at *8 (W.D. La. Aug. 15, 2022) (declining to exclude late-produced evidence where, among other things, the court found "there is no evidence that the Government intentionally failed to disclose the evidence" and that "any prejudice" to the defendant was cured by continuing the trial date).[4]

Here, Rovirosa has not and cannot articulate how he is prejudiced in any meaningful way. To begin with, this case, which involves thousands of documents in both Spanish and English, was indicted less than three months ago. Moreover, Rovirosa is not detained—indeed, the Government agreed at the outset of this case that he could remain on bond, albeit with security and various

[4] The law is clear that suppression of *late-produced* evidence is not an appropriate remedy under the circumstances here. Rovirosa's suggestion that the Court suppress the *entirety* of the Government's evidence obtained from Avila's devices (as opposed to the late-produced portions) is wholly untethered from any legal basis.

conditions. *See Swenson*, 894 F.3d at 684 (rejecting trial court's reasoning that three years was too long of a delay and highlighting that "Swenson was not in custody during the pretrial proceedings").[5]

Rovirosa's vague assertion that the Government somehow "learn[ed] his trial strategy through his objections" to the Government's exhibits, Dkt. 60 at 11, does not amount to prejudice. For one, there is no grand "strategy" that Rovirosa has revealed. It is to be expected that Rovirosa will contest the presentation of the Government's evidence, including his knowledge and involvement in various aspects of the charged conduct. None of this is in any way novel or surprising. More importantly, even if Rovirosa's trial strategy needed to somehow be modified (which does not appear to be the case), Fifth Circuit law makes clear that this is not a basis for exclusion or dismissal. *Swenson*, 894 F.3d at 684 (rejecting defendant's argument that delayed discovery prejudiced her because "her preparation and strategy would have been entirely different"); *Garrett*, 238 F.3d at 299 (noting that "minor disarray" was not prejudice); *Alonzo-Lopez*, 756 F. Supp. 3d at 405 (rejecting request for exclusion or dismissal even where "delay has caused significant inconvenience for Defendant").[6] Additionally, the Government has acted in

---

[5] In addition, the Speedy Trial Clock has not yet started because (1) Rovirosa's co-defendant, Avila, was a fugitive whose case was not severed until September 25, 2025, *see United States v. Franklin*, 148 F.3d 451, 455 (5th Cir. 1998) ("[T]he speedy trial clock does not begin to run in a multi-defendant prosecution until the last codefendant makes his initial appearance in court" because the Speedy Trial Act excludes "a reasonable period of delay when the defendant is joined for trial with a codefendant as to whom time has not run and no motion for severance has been granted."); and (2) there have been numerous pretrial dispositive motions filed, including this one. *See United States v. Tinklenberg*, 563 U.S. 647, 650 (2011) ("[T]he filing of a pretrial motion falls within [18 U.S.C. § 3161(h)(1)(D)] irrespective of whether it actually causes, or is expected to cause, delay in starting a trial.").

[6] Rovirosa also baldly asserts that he "knew the government was not prepared," and "his defense strategy was to exploit this weakness." Dkt. 60 at 2. To the extent Rovirosa suggests that his "strategy" is to engage in trial by ambush, there is no case support for the suggestion that this is an acceptable or ethical approach. *Cf. Garrett*, 238 F.3d at 299 (noting that the analysis concerns "prejudice to the defendants' *substantial* rights, that is, injury to their right to a fair trial" and that "the question of prejudice is whether the defendant had time to put the information to use, not whether some extra effort was required by defense counsel") (emphasis in original). In any event, the Government reiterates that it is and has always been

good faith in this matter, including with regard to the discovery material it intended to (but inadvertently did not) produce several weeks ago. The Government provided defense counsel a roadmap of the Government's case-in-chief at trial—even though such disclosure was not required by law or this Court's orders. As context, the 21-page speaking indictment walks through specific examples of the WhatsApp messages the Government plans to use at trial, including many messages from Avila's devices. Similarly, within days of Rovirosa's arraignment, the Government produced data from Avila's devices that hit on the search terms listed in the Government's discovery letter, including the vast majority of the messages the Government intends to introduce at trial. Dkt. 32-2. In addition, even without a court order, the Government provided a fulsome list of its proposed exhibits on September 22, 2025—more than two weeks before the initial trial setting. By doing this, the Government showed its hand and revealed to Rovirosa exactly how it anticipated its case would progress.

The Government's more recent conduct also reflects its commitment to transparency. On October 1, 2025, the very day that the Government learned that the entirety of the Avila devices had not been produced, the Government promptly notified defense counsel and the Court of the discrepancy. That day, the Government also produced (1) all of the WhatsApp "parent chats" from Avila's devices; and (2) an Excel file containing an index showing all of the remaining "items" from the devices. In other words, the Government worked promptly to address the belated disclosure and provide as much evidence, particularly as much potentially relevant evidence, as quickly as possible. This is hardly the conduct of a bad-faith actor. The absence of bad faith disposes of Rovirosa's request to exclude. *See Dvorin*, 817 F.3d at 453 ("Generally, a district

prepared to try this case as quickly as possible.

court will not impose severe sanctions, like suppression of evidence, where the government's discovery violations were not committed in bad faith.")

II. Rovirosa's Other Arguments Do Not Warrant Dismissal or Exclusion of Evidence.

Rovirosa's Motion raises a variety of other arguments that have nothing to do with *Swenson*, *Garrett*, or the Fifth Circuit standard concerning whether dismissal or exclusion is appropriate based on late production of pretrial discovery. The Government responds to these arguments in turn.

First, Rovirosa cites *United States v. Panci*, 256 F.2d 308 (5th Cir. 1958), *Montford v. United States*, 200 F.2d 759 (5th Cir. 1952), and *United States v. Oliva*, 497 F.2d 130 (5th Cir. 1974) to argue that "[t]here must be proof aliunde of the existence of the conspiracy, and the defendant's connection with it, before such statements become admissible as against a defendant not present when they were made." Dkt. 60 at 9, quoting *Montford*, 200 F.2d at 760. To begin with, there is indeed ample evidence—including from conversations from both the Avila and Rovirosa devices—to confirm that Rovirosa oversaw this conspiracy. Among other things, the Government intends to introduce (1) Rovirosa's own text messages in which he coordinates the bribery scheme, including by instructing co-conspirators on how to withdraw payments that were ultimately used to pay bribes to foreign officials; and (2) Rovirosa's interview in which he walked Special Agent Matthew Wood through his interactions and relationship with Avila, including his ability to direct Avila's conduct in connection with Rovirosa's various businesses.

More fundamentally, though, the cases Rovirosa cites—all of which predate the Federal Rules of Evidence—have been superseded by statute and are no longer good law after the Supreme Court's decision in *Bourjaily v. United States*, 483 U.S. 171 (1987), which held that a trial judge can indeed consider the proffered hearsay statements of a co-conspirator to determine whether a

conspiracy existed.[7] *Panci*, *Montford*, and *Oliva* all relied on *Glasser v. United States*, 315 U.S. 60 (1942), which, as the Supreme Court held in *Bourjaily*, "has clearly been superseded by Rule 104(a)."[8] 483 U.S. at 181.[9]

Moreover, as the Government noted in its October 5, 2025 letter to the Court, the use of co-conspirator statements—like Avila's messages offering bribes on Rovirosa's behalf—is entirely permissible under the Rules of Evidence. As the Fifth Circuit stated in *United States v. Ayelotan*, 917 F.3d 394, 401–03 (5th Cir. 2019), messages that represent the "operative words of [the] criminal action"—here, the "offer" or "acceptance" of terms of a bribe—are "paradigmatic nonhearsay." In addition, any messages from Avila's devices discussing the operation of the bribe scheme are clearly co-conspirator statements in furtherance of the conspiracy and are exceptions to the hearsay rule under Fed. R. Evid. 801(d)(2)(E)917 F.3d at 402–403. *Id.* at 402–03 (noting that "updates between the coconspirators about their criminal scheme" were admissible and did not implicate confrontation clause); *see also United States v. Gurrola*, 898 F.3d 524, 535, n.17 (5th Cir. 2018) ("The Confrontation Clause does not bear on non-testimonial statements. And it is well-settled within [the Fifth] Circuit that co-conspirator statements are non-testimonial.") (citations omitted).

All of Rovirosa's other arguments—*i.e.*, that the Government has a "no witness" problem—have no bearing on the application of the hearsay rules, particularly in light of *Bourjaily*.

---

[7] *Bourjaily* also rejected a challenge to the use of co-conspirator statements under the Confrontation Clause. 483 U.S. at 183.

[8] Rule 104(a) states, in relevant part, that: "The court must decide any preliminary question about whether . . . evidence is admissible. *In so deciding, the court is not bound by evidence rules*, except those on privilege." (emphasis added).

[9] To the extent Rovirosa relies on *Oliva* solely for the proposition that mere proof of association is insufficient without more to show the existence of a conspiracy, that proposition is reflected in the jury instructions and any arguments about that proposition may be made to the jury.

Such arguments go to weight of the evidence and are for the jury to decide.

Second, there is no Confrontation Clause issue concerning the use of translated text messages. Rovirosa cites *United States v. Martinez-Gaytan*, 213 F.3d 890, 892 (5th Cir. 2000), a case involving an agent's testimony concerning an interview that was conducted via a Spanish interpreter. Notably, that case did *not* involve a recording or a static set of Spanish documents like text messages where an agreed-upon translation is possible. Rather, because the defendant disputed what was actually said during his interview through an interpreter, the issue was who was capable of remembering the words the defendant used during the live interview (which was not recorded). *Martinez-Gaytan*, 213 F.3d at 891–92. Under those circumstances, the Fifth Circuit found that the dispute raised serious enough questions about the accuracy of the confession such that it constituted the kind of "unusual circumstances" in which an interpreter does not act as a "mere language conduit." *Id.*

Similarly, Rovirosa's reliance on the Eleventh Circuit's decision in *United States v. Charles*, 722 F.3d 1319 (11th Cir. 2013) is misplaced. *Charles* involved a non-recorded interview of the defendant in a foreign language (Creole) that was conducted by U.S. Customs and Border Patrol through an interpreter. *Id*. at 1321. At trial, the interpreter did not testify; rather, the officer who conducted the interview through the interpreter testified. *Id.* Because the interview was not recorded, there was an open question as to "what specific words or phrases Charles actually used." *Id.* The Eleventh Circuit held that, given the inherent ambiguity of what the defendant actually said, it was a violation of the Confrontation Clause to not have the interpreter testify. *Id.* at 1323–24. Of course, that is not the case here. The statements are recorded in text messages—Rovirosa has the original Spanish versions, and he is in fact the author of many of those messages. Thus, unlike *Charles*, there is no ambiguity as to the contents of the underlying statements because those

statements are recorded and available to Rovirosa in their original form. Moreover, without the additional layer of interpreting a non-recorded statement, the Confrontation Clause is not implicated.[10]

Moreover, Rovirosa's arguments regarding translations fail to contend with the longstanding Fifth Circuit precedent holding that, in cases involving documents or recordings—which are immutable by nature—the "proper procedure" requires that the district court and the parties "make an effort to produce an 'official' or 'stipulated' transcript" which "satisfies all sides." *United States v. Llinas*, 603 F.2d 506, 509–10 (5th Cir. 1979) (citing *United States v. Onori*, 535 F.2d 938, 948–49 (5th Cir. 1976) and *United States v. Wilson*, 578 F.2d 67, 69–70 (5th Cir. 1978)). Then, if there are narrow disputes, the parties can put on evidence concerning the competing translations. *Id*. That process should be followed here.

Finally, the Court has already considered and resolved Rovirosa's "cartel" arguments by ruling that "such language and inferences will not be tolerated in this trial from either party." Dkt. 57.

CONCLUSION

As outlined above, Rovirosa has shown no actual prejudice from the late pre-trial disclosure of Avila's device data and no bad faith on the part of the Government. Moreover, the short continuance ordered by the Court has eliminated any potential prejudice from the disclosure. There is therefore no basis for the Court to exclude any evidence, much less to enter an order of dismissal. Consequently, the Court should deny Rovirosa's Third Motion to Dismiss and allow

[10] Rovirosa's citation to the Ninth Circuit's decision in *United States v. Nazemian*, 948 F.2d 522 (9th Cir. 1991) is also unavailing. Dkt. 60 at 6-7. Like *Charles*, *Nazemian* involved non-recorded statements made by the defendant through an interpreter, and the interpreter did not testify at trial. *Nazemian*, 948 F.2d at 525.

this case to proceed to trial.

Dated: October 8, 2025

Respectfully submitted,
Nicholas J. Ganjei
United States Attorney

Lorinda I. Laryea
Acting Chief
Criminal Division, Fraud Section

/s/
Brad Gray
Assistant United States Attorney
Southern District of Texas

/s/
Lindsey D. Carson
Abdus Samad Pardesi
Paul Ream
Trial Attorneys
Criminal Division, Fraud Section

CERTIFICATE OF SERVICE

On October 8, 2025, I electronically filed this document through the CM/ECF system and served this filing via email to counsel of record.

/s/ Lindsey D. Carson
Lindsey D. Carson

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	**Criminal No. 4:25-cr-00415**
	§	
	§	
RAMON ALEXANDRO ROVIROSA MARTINEZ,	§	
	§	
	§	
Defendant.	§	
	§	

ORDER

Having considered Defendant Ramon Alexandro Rovirosa Martinez's Third Motion to Dismiss (Dkt. 60) and the Government's response, the Court finds that the Motion should be **DENIED**.

Signed in Houston, Texas on the ___ day of _____, 2025.

_____
HON. KENNETH M. HOYT
SENIOR UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF TEXAS