

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:20-MJ-03236**

**UNITED STATES OF AMERICA**

**v.**

**DENNIS NOBBE,**

**Defendant.**

**/**

**MOTION TO DISMISS COMPLAINT FOLLOWING DEATH OF THE DEFENDANT**

The United States of America, by and through the undersigned attorney, hereby moves to dismiss the criminal complaint (D.E. 1) without prejudice. In support of the Motion, the government states as follows:

1. The Defendant was charged by criminal complaint on July 23, 2020 with conspiracy to commit health care fraud and wire fraud; health care fraud; wire fraud; making false statements to a financial institution and the Small Business Administration; money laundering; and conspiracy to commit money laundering. (D.E. 1).

2. On September 14, 2020, counsel for the defendant filed a notice of death of the defendant. (D.E. 36).

3. On September 30, 2020, the undersigned obtained an incident report from the Miami Police Department confirming the defendant's death.

4. In light of the death of the defendant, the government respectfully requests to dismiss the criminal complaint pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

5. Dismissals under Rule 48(a) are generally without prejudice. *See United States v. Matta*, 937 F.2d 567, 568 (11th Cir 1991).

6. The undersigned has conferred with counsel for the defendant, who does not oppose the Motion.

Respectfully submitted,

ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

DANIEL KAHN, ACTING CHIEF  
U.S. DEPARTMENT OF JUSTICE  
CRIMINAL DIVISION, FRAUD SECTION

By: s/ Sara M. Clingan  
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**CERTIFICATION OF SERVICE**

**I HEREBY CERTIFY** that, on October 8, 2020 I electronically filed the foregoing document onto the Court's CM/ECF system.

s/ Sara M. Clingan  
Trial Attorney  
U.S. Department of Justice