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7 Attorneys for Edwin Fujinaga

8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

11 Securities and Exchange  
 Commission,  
 12  
 Plaintiff,  
 13  
 v.  
 14 Edwin Yoshihiro Fujinaga, and MRI  
 15 International, Inc.,  
 16  
 Defendants,  
 17  
 and  
 18 CSA Service Center, LLC, The  
 Factoring Company, June Fujinaga,  
 19 and The Yunju Trust,  
 20  
 Relief Defendants.

Case No. 2:13-cv-01658-JCM-CWH

**Motion for extension of time for  
 Defendant Edwin Fujinaga’s counsel  
 of record in *United States v.*  
*Fujinaga*, D. Nev. 2:15-cr-00198-GMN-  
 NJK-1 to file objections to the  
 Receiver’s motion for instructions  
 for the disposition of documents  
 recovered (ECF No. 577)**

21  
22 **Certification:** This motion is timely filed under LR IA 6-1(a).

23 Counsel of record for Defendant Edwin Fujinaga in *United States v.*  
 24 *Fujinaga*, D. Nev. 2:15-cr-198-GMN-NJK-1, and *United States v. Fujinaga*, 9th  
 25 Cir. Nos. 19-10222 and 21-10155, request a 30-day extension to file objections  
 26

1 currently due on February 16, 2022, to the SEC Receiver’s motion for instructions  
2 for the disposition of documents recovered pertaining to this case. ECF No. 577.  
3 The new requested deadline for objections is March 16, 2022.

4 1. This is the first motion requesting an extension to file objections by  
5 Defendant Edwin Fujinaga’s counsel of record in *United States v. Fujinaga*, D.  
6 Nev. 2:15-cr-198-GMN-NJK-1, and *United States v. Fujinaga*, 9th Cir. Nos. 19-  
7 10222 and 21-10155 to the SEC Receiver’s motion for instructions for the  
8 disposition of documents recovered. ECF No. 577. The review and preservation  
9 of the documents and hard drives seized, called “Estate Documents” by the  
10 Receiver, are a central issue in Mr. Fujinaga’s pending consolidated direct  
11 appeal.

12 2. In his pending consolidated direct appeal, Mr. Fujinaga seeks relief  
13 from 20 counts of conviction and a 50-year sentence imposed on June 17, 2019,  
14 following pretrial litigation and a 17-day jury trial for allegedly operating an  
15 international fraud scheme involving over \$1.5 billion. The jury convicted Mr.  
16 Fujinaga of eight counts of mail fraud, nine counts of wire fraud, and three  
17 counts of money laundering. The contested 50-year sentence amounts to life  
18 imprisonment for Mr. Fujinaga, who is 74 years old.

19 3. The direct appeal challenges the government’s failure to review the  
20 “Estate Documents” consisting of over a decade of international financial and  
21 business transactions, among other challenges. Extensive pretrial litigation and  
22 hearings involved the “Estate Documents” at issue in the SEC Receiver’s present  
23 motion, specifically the government’s *Brady* obligations to review and disclose  
24 *Brady* material contained in the “Estate Documents.”

25 4. On February 5, 2021, in *Fujinaga*, D. Nev. 2:15-cr-198-GMN-NJK-1,  
26 undersigned counsel filed a Motion for Order Requiring the Government to Fulfill

1 its Obligation to Preserve *Brady* Evidence (ECF No. 415), addressing the  
2 disputed, unreviewed “Estate Documents” at issue in Mr. Fujinaga’s direct  
3 appeal—the same documents that are also at issue in the SEC Receiver’s present  
4 motion. The district court denied Mr. Fujinaga’s motion to preserve evidence on  
5 May 14, 2021, without a hearing. Mr. Fujinaga timely appealed to the Ninth  
6 Circuit, *United States v. Fujinaga*, 9th Cir. No. 21-10155. The Ninth Circuit  
7 consolidated the appeal with his already pending direct appeal of his conviction.

8         5. In the consolidated appeal, Mr. Fujinaga asks the Ninth Circuit to:  
9 vacate the district court’s order that would allow destruction of unreviewed  
10 seized evidence; find the government violated its *Brady* duties, and vacate Mr.  
11 Fujinaga’s convictions. Alternatively, Mr. Fujinaga asks the Ninth Circuit to  
12 issue an injunction precluding destruction of the unreviewed seized items  
13 pending final resolution Mr. Fujinaga’s consolidated appeals. Briefing in the  
14 consolidated direct appeal was completed on December 21, 2021. App. Dkt. 85.

15         6. Today, February 16, 2022, the Ninth Circuit heard argument in Mr.  
16 Fujinaga’s consolidated direct appeal, during which the parties addressed his  
17 challenge to the government’s *Brady* obligations for the “Estate Documents” at  
18 issue in the SEC Receiver’s present motion.

19         7. A 30-day extension for the filing of objections to the SEC Receiver’s  
20 motion for instructions for the disposal of the “Estate Documents” is therefore  
21 necessary due to preparations for oral argument in Mr. Fujinaga’s direct appeal,  
22 to analyze the Receiver’s SEC position, and permit undersigned counsel to fully  
23 research and address the ongoing multi-agency litigation in this case.

24         8. Mr. Fujinaga is in the custody of the Bureau of Prisons (BOP) at the  
25 Victorville Medium II Federal Correctional Institution in California, with a  
26 projected release date of July 5, 2061. Due to a recent national BOP prison

1 lockdown imposed January 31, 2022, inmates have been unable to receive or  
2 place legal calls.<sup>1</sup> The extension is thus also necessary for undersigned counsel to  
3 consult with Mr. Fujinaga regarding objections to the SEC Receiver's motion.

4 9. On February 15, 2022, undersigned counsel contacted counsel for  
5 the SEC Receiver, Attorney Michael F. Lynch, regarding any objections to this  
6 extension. Undersigned counsel has not yet received a response.

7 For these reasons, Mr. Fujinaga requests this Court extend the deadline by  
8 30 days for the filing of objections to the SEC Receiver's motion for instructions  
9 for the disposition of documents recovered (ECF No. 577). A proposed order is  
10 attached in compliance with LR IA 6-2.

11 **Dated:** February 16, 2022.

12 Respectfully submitted,  
13 RENE L. VALLADARES  
14 Federal Public Defender

15 By: /s/ Wendi L. Overmyer  
16 Wendi L. Overmyer  
17 Assistant Federal Public Defender

18 /s/ Cristen C. Thayer  
19 Cristen C. Thayer  
20 Assistant Federal Public Defender

21 Attorneys for Edwin Fujinaga in  
22 D. Nev. No. 2:15-cr-198-GMN-NJK-1

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23 <sup>1</sup> See Federal Bureau of Prisons, *Temporary Security Measures Update*  
24 (Feb. 8, 2022), available at [https://www.bop.gov/resources/news/20220201-security\\_measures.jsp](https://www.bop.gov/resources/news/20220201-security_measures.jsp); see also Walter Pavlo, *Federal Bureau of Prisons on National Lockdown after Deadly Fights at USP Beaumont*, Forbes (Feb. 2, 2022),  
25 available at <https://www.forbes.com/sites/walterpavlo/2022/02/02/federal-bureau-of-prisons-on-national-lockdown-after-deadly-fights-at-usp-beaumont/?sh=e8d503b5af2e>.  
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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Securities and Exchange  
4 Commission,

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7 Edwin Yoshihiro Fujinaga, and MRI  
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9 Defendants,

10 and

11 CSA Service Center, LLC, The  
12 Factoring Company, June Fujinaga,  
13 and The Yunju Trust,

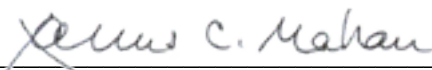
14 Relief Defendants.  
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Case No. 2:13-cv-01658-JCM-CWH

**Order granting motion for extension  
of time for Defendant Edwin  
Fujinaga’s counsel of record in  
*United States v. Fujinaga*, D. Nev.  
2:15-cr-00198-GMN-NJK-1 to file  
objections to the Receiver’s motion  
for instructions for the disposition of  
documents recovered (ECF No. 577)**

16 **IT IS HEREBY ORDERED** that the February 16, 2022, deadline for the  
17 filing of any objections by Defendant Edwin Fujinaga’s counsel of record in  
18 *United States v. Fujinaga*, D. Nev. 2:15-cr-198-GMN-NJK-1, and *United States v.*  
19 *Fujinaga*, 9th Cir. Nos. 19-10222 and 21-10155 to the SEC Receiver’s motion for  
20 instructions for the disposition of documents recovered (ECF No. 577) is vacated  
21 and extended by 30 days until March 16, 2022.

22 **Dated** February 23, 2022.

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25 \_\_\_\_\_  
26 UNITED STATES DISTRICT COURT JUDGE

**Service Certificate**

I certify that on February 16, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Nevada by using the appellate CM/ECF system. Participants that are registered CM/ECF users will be served by the appellate CM/ECF system. The following non-CM/ECF participants will be served by U.S. Mail: **Mr. Edwin Fujinaga.**

/s/ Cecilia Valencia  
Federal Public Defender Employee

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