

then a possible future special prosecutor could use such an order of this court to aid in a possible prosecution of Government counsel. *See id.* at 2-3. This scenario is based on an order entered in the United States District Court for the District of Columbia, wherein the court discussed the special prosecutor's recommendation not to file criminal contempt charges against prosecutors because "under 18 U.S.C. § 401(3), the contemtor must disobey an order that is sufficiently 'clear and unequivocal at the time it is issued.'" Order, Doc. #22, *In re Special Proceedings*, Misc. No. 09-0198 (D.D.C. Nov. 21, 2011).

The court finds Defendant's request unreasonable. A special prosecutor's recommendation not to prosecute other prosecutors for criminal contempt charges in another case has little or no relevance here. Whether or not the court agrees with the special prosecutor's recommendation in *In re Special Proceedings*, the court is not in the business of laying the groundwork for hypothetical future prosecutions by the Executive Branch.

The court will take up the issue of a violation of *Brady*, *Giglio*, or one of its orders at the time it is made aware of such a violation and impose the appropriate sanctions. This request for a clear and unequivocal order is unnecessary, where Government counsel already has a clear and unequivocal obligation to abide by the directives of *Brady*, *Giglio*, and the orders of the court. Accordingly, it is

ORDERED that the Motion (Doc. #2030) is DENIED.

Done this 5th day of December, 2011.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE