

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Grabinski

United States v. Grabinski · No. Criminal Case No. 25-19 (RJL) · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Columbia grants Benjamin Grabinski's motion to dismiss an indictment charging attempted destruction of property used by a foreign government and attempted arson. The court dismisses the indictment with prejudice under Federal Rule of Criminal Procedure 48(b), finding that the Barker factors favored dismissal based on prolonged delay, prosecutorial neglect, repeated assertions of speedy-trial rights, and substantial pretrial incarceration prejudice. The court declines to separately decide the Speedy Trial Act and Sixth Amendment claims.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Richard J. Leon
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 16, 2026
DOCKET	Criminal Case No. 25-19 (RJL)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the indictment for failure to prosecute and alleged violations of the Speedy Trial Act, the Insanity Defense Reform Act, the Sixth Amendment, and Federal Rule of Criminal Procedure 48(b). The court granted the motion and dismissed the indictment with prejudice.
STANDARD OF REVIEW	The court evaluated dismissal under Federal Rule of Criminal Procedure 48(b) using the four Barker speedy-trial factors: length of delay, reason for delay, assertion of the right, and prejudice. It also considered whether the Government's pattern of neglect and resulting prejudice justified dismissal with prejudice.
PRECEDENTIAL VALUE	published district court memorandum opinion
PARTIES	Benjamin Grabinski v. United States of America

TOPICS

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QUESTIONS PRESENTED

1. Whether dismissal under Federal Rule of Criminal Procedure 48(b) was warranted based on the length of delay, the Government's responsibility for the delay, Grabinski's repeated assertion of his speedy-trial rights, and prejudice from prolonged pretrial incarceration.
2. Whether the indictment should be dismissed with prejudice because the Government's delays constituted a pattern of neglect accompanied by prejudice to the defendant.
3. Whether the court was required to separately decide the alleged Speedy Trial Act and Sixth Amendment violations after determining that dismissal was warranted under Rule 48(b).

HOLDINGS

1. Federal Rule of Criminal Procedure 48(b) authorizes dismissal of an indictment for unnecessary delay in bringing a defendant to trial, and dismissal was warranted where all four Barker factors favored the defendant: the delay was unusually lengthy, the Government was primarily responsible, the defendant repeatedly asserted his speedy-trial rights, and the delay caused substantial prejudice through prolonged pretrial incarceration and delayed competency treatment.
2. Dismissal with prejudice was appropriate under Rule 48(b) because the Government engaged in a pattern of neglect spanning years and the defendant suffered substantial prejudice from prolonged incarceration and delayed competency restoration.
3. The court did not need to decide whether the Government separately violated the Speedy Trial Act or the Sixth Amendment because dismissal was independently warranted under Rule 48(b).

KEY QUOTATIONS

"Federal Rule of Criminal Procedure 48(b) provides that a "court may dismiss an indictment ... if unnecessary delay occurs in . . . bringing a defendant to trial." (5)

"I conclude here that dismissal with prejudice is particularly appropriate given the "pattern of neglect" in this case spanning three and a half years." (14)

"For the foregoing reasons, defendant's motion to dismiss is GRANTED and the indictment is hereby DISMISSED with prejudice!" (15)

FACTUAL BACKGROUND

Grabinski was charged with attempting to damage the Embassy of the People's Republic of China and attempted arson after allegedly throwing an unlit Molotov cocktail over the Embassy gate in June 2022. He remained incarcerated for nearly 43 months without reaching trial, including approximately seven months in the D.C. Jail while awaiting competency-restoration treatment. After the Government failed to comply with court-ordered

status-report and response deadlines, and after the court had previously dismissed an indictment against Grabinski for Speedy Trial Act violations, Grabinski moved to dismiss the re-indictment.

PROCEDURAL HISTORY

Grabinski was initially indicted in 2022 and remained detained while competency proceedings, plea negotiations, and trial preparation proceeded. The court dismissed the first indictment without prejudice in January 2025 for Speedy Trial Act violations, and the Government re-indicted him two days later. After a second competency evaluation, the Government failed to comply with court-ordered status-report deadlines and delayed seeking competency-restoration treatment. Grabinski moved to dismiss in October 2025; after briefing and oral argument, the court dismissed the second indictment with prejudice under Rule 48(b).

DISPOSITION

dismissed

CASES CITED

- Vermont v. Brillon, 556 U.S. 81, 89-90 (2009)
- Barker v. Wingo, 407 U.S. 514, 530-31 (1972)
- Mann v. United States, 304 F.2d 394, 398 (D.C. Cir. 1962)
- United States v. Parga-Rivas, 689 F. Supp. 2d 25, 30 (D.D.C. 2009)
- United States v. Hensley, 2024 WL 3673612, at *5 n.4, *10 (D.D.C. Aug. 5, 2024)
- United States v. Starr, 434 F. Supp. 214, 216-17 (D.D.C. 1977)
- United States v. Gaffney, 2025 WL 3123668, at *7, *13, *19 (D.D.C. Nov. 7, 2025)
- United States v. West, 2018 WL 7026445, at *7 (E.D. Va. Dec. 14, 2018)
- United States v. Taylor, 497 F.3d 673, 677 (D.C. Cir. 2007)
- United States v. Bikundi, 926 F.3d 761, 779 (D.C. Cir. 2019)
- United States v. Homaune, 898 F. Supp. 2d 153, 168-69 (D.D.C. 2012)
- United States v. Demirtas, 204 F. Supp. 3d 158, 193 (D.D.C. 2016)
- United States v. Loud Hawk, 474 U.S. 302, 312 (1986)
- United States v. Marion, 404 U.S. 307, 320 (1971)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 199-200 (1989)
- United States v. Simmons, 536 F.2d 827, 832 (9th Cir. 1976)
- United States v. Ferguson, 565 F. Supp. 2d 32, 47-48 (D.D.C. 2008)
- United States v. Gaskin, 364 F.3d 438, 451 n.3 (2d Cir. 2004)
- United States v. Beier, 2019 WL 5789747, at *12 (D.D.C. Nov. 6, 2019)
- United States v. Bauer, 286 F. Supp. 2d 31, 34 (D.D.C. 2003)
- Strunk v. United States, 412 U.S. 434, 439 (1973)

