



Written by [Bob Adelman](#) on July 20, 2020

## Michael Flynn's Attorney, Sidney Powell, Claims Judge Sullivan Has "Hijacked" the Case Against Flynn

It's been 10 weeks since the government asked Judge Sullivan to dismiss its case against President Trump's former National Security Advisor Michael Flynn, and still the case drags on.

On Monday Flynn's attorney, Sydney Powell (whom *The New American* has characterized as a "legal lioness" and a "tigress") [blew her cork](#). On July 9 Judge Emmet Sullivan asked the circuit court to convene "en banc" (all 12 judges) to reconsider the court's three-judge panel's ruling that Sullivan must dismiss the case.



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Sydney, [in a 19-page response](#) to Sullivan's request for a full court hearing, concluded:

The district court [Judge Emmet Sullivan's court] has hijacked and extended prosecution for almost three months for its [his] own purposes.... This Court should deny rehearing and issue [the demand that Sullivan dismiss the government's case against Flynn] with prejudice [so that Sullivan cannot refile] instantter [immediately].

She was hopping mad:

No federal court has countenanced rehearing of an [order to dismiss] on petition by a district judge.

Judge Sullivan has no cognizable [legitimate] interest in the case. Rehearing should be denied because the [three-judge] panel properly applied the long-standing use of [a demand to dismiss] to which General Flynn is clearly entitled....

Rehearing is not warranted ... because there is no conflict with any decision.

Sullivan is not only out of line but exceeds his constitutional authority, declared Powell:

The district court exceeded its constitutional authority for appointing [a friend, former Judge John Gleeson] to work against General Flynn after the parties [Flynn and the government] agreed to dismissal.

The Constitution and all precedent apply ... mandate dismissal.

The deliberate delay in issuing dismissal is damaging Flynn further:

The district court's delay here has extended this litigation and impaired General Flynn's freedom for an additional ten weeks so far.

She likened the charade to a baseball game:

In lay terms, umpires don't get to swing bats or run bases; they suffer no harm when one team wins



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and the other loses....

The umpire cannot force the teams to play extra innings after the game is over. He, the players, and the spectators need to go home and turn off the floodlights.

She suggested that perhaps Sullivan might have a personal interest in the outcome of the case against Flynn:

Likewise, this Court's order to grant dismissal was not an injury to Judge Sullivan who — if he does have a personal stake in the outcome of the case — would be disqualified and required to remove himself immediately.

But, wrote Powell, it does appear that Sullivan does have a “personal stake in the outcome”:

Judge Sullivan's stubborn disagreement with the Government's decision to dismiss the case does not confer the right to contest it himself or through [his friend Gleeson].

His actions smack of vindictive animus against General Flynn and judicial overreach that have no place in America's justice system.

No precedent even suggests a “hearing” on a substantial government motion to dismiss. Not one.

Sullivan is way out of line, declared Powell:

General Flynn's right to the writ [to dismiss the case against him] is clear and indisputable. The district court had no authority to appoint [his friend Gleeson], consider additional perjury charges, conduct a hearing ... [in order] to deny the motion....

He has no discretion to deny the Government's motion to dismiss.... It must be granted as a matter of law.

And there's the crux. The circuit court is populated with a majority of judges appointed by Democrats. If the court decides to “extend the game” against Flynn “into extra innings,” it's because it's not a matter of law but a matter of politics.

A full court hearing on Sullivan's failure to dismiss would likely extend into the fall, with a final decision against Flynn coming out just before the November election. As Andrea Widburg, writing at the *American Thinker*, so aptly put it: “The D.C. Circuit has a plethora of Democrat-appointed judges. No matter the law, that doesn't bode well for Flynn.”

Or for the president.

Image of Sidney Powell: [Screenshot of YouTube video by Hillsdale College](#)

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