

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

MILES GUO et al

Defendants.

Case No. 23-cr-00118 (AT)

**DECLARATION OF NICKIE DAVIS**

I, Nickie Davis, declare as follows:

1. I am over 18 years of age and I am a non-party to the above captioned matter. The facts set forth below are of my own personal knowledge and if called as a witness, I could and would competently testify thereto. I submit this declaration in support of my motion to quash the subpoena to appear at trial served on me on May 15, 2024.

2. I am a resident of the State of Hawaii and currently residing in the City of Los Angeles, County of Los Angeles, State of California under the custody of the United States Bureau of Prisons.

3. On May 2, 2024, I was released from the Federal Detention Center, Honolulu and I am currently residing at a reentry home located at 5520 Harold Way, Los Angeles, CA 90028.

4. On May 15, 2024, I was served with a subpoena by Defendant Miles Guo, to appear at trial before the United States District Court, Southern District of New York on May 22, 2024. In addition, I was asked to produce documents at this appearance. A true and correct copy of the

Subpoena is attached hereto as Exhibit A.

5. I have no familiarity with Guo's case, nor do I believe I have the documents that he was requesting.

6. The SDNY courthouse is well over 100 miles from my place of residence here in Los Angeles, California, and I do not have a business located in New York, nor do I do any business in New York.

7. Because I am still under the custody of the Bureau of Prisons, I do not have the freedom or liberty to travel as I please, as there are strict protocols and requirements for me to travel anywhere, let alone out of state.

8. It is my understanding that neither Mr. Guo nor his counsel has contacted the BOP to request any such permission to leave the state and appear before a New York court.

9. Furthermore, given that I have been incarcerated for nearly a year, I do not have the means to purchase a last-minute flight to New York, pay for lodging and food. Such an expense would be astronomical, as I would not have any definitive idea how long I would need to be located in New York awaiting to testify in a trial I know nothing about. As such being forced to appear in New York would unduly burdensome and completely harassing.

10. On the basis above, I am requesting that the subpoena to appear be quashed.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Dated: May 21, 2024

Respectfully submitted,  
/s/ Nickie Davis

Nickie Davis  
5520 Harold Way  
Los Angeles, CA 90028  
In Pro Per

**EXHIBIT A**

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

# UNITED STATES DISTRICT COURT

for the  
Southern District of New York

United States of America

v.  
Miles Guo, et al.

Defendant

Case No. 23-cr-00118 (AT)

## SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Nickie Lum Davis  
5520 Harold Way  
Los Angeles, CA 90028

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Hon. Analisa Torres 500 Pearl St. New York, NY 10007	Courtroom No.: 15D
	Date and Time: 05/22/2024 9:00 am

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):  
The email sent on May 22, 2017 from nickielumdavis@gmail.com to rbroidy5@gmail.com and BCCing elliot@broidy-capital.com with subject "explanation of legal issue attached - for colfax" including the attachment, "EXPLANATION OF LEGAL ISSUE.docx"; the full text of an email sent on May 28, 2021 from nickielumdavis@gmail.com to rosen@colfaxlaw.com BCCing elliot@broidy-capital.com with subject line "please see below -"; the email sent on June 27, 2017 from nickielumdavis@gmail.com to elliot@broidy-capital.com with subject line "Memo" including any attachments thereto; the email sent on May 12, 2017 from prasmichel@gmail.com to nickielumdavis@gmail.com containing a link to an article concerning Guo Wengui; and all documents and communications related to the foregoing.

Date: 05/13/2024

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Miles Guo, who requests this subpoena, are:

Sidhardha Kamaraju, Esq., Pryor Cashman LLP, 7 Times Square, New York, New York 10036, (212) 421-4100, skamaraju@pryorcashman.com

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**PROOF OF SERVICE**

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: