

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**V.**

**ALAN WILLIAM BYERLY**

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**CASE NUMBER 21-CR-527**

**DEFENDANT’S UNOPPOSED MOTION  
TO ENLARGE TIME WITHIN WHICH TO FILE PRETRIAL MOTIONS**

Alan William Byerly, by and through his attorneys, James J. McHugh, Jr., and Hunter S. Labovitz, Assistant Federal Defenders, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests additional time for filing pretrial motions in the above case and states in support thereof:

1. On August 31, 2021, Mr. Byerly was arraigned before the Honorable Randolph P. Moss on the above-captioned indictment and entered a plea of not guilty.
2. Mr. Byerly is currently detained at the Correctional Treatment Facility.
3. On November 29, 2021, the Honorable Randolph P. Moss ordered that any pretrial/affirmative motions be filed on January 14, 2022. That same order set January 28, 2022 for the filing of the government’s Opposition, February 4, 2022 for the filing of Replies and the Motions Hearing for February 10, 2022.
4. Because of the latest surge of the COVID virus, in-person legal visits and video legal visits have been suspended at CTF until sometime after January 14, 2022. Thus, undersigned counsel is unable to adequately discuss with Mr. Byerly issues concerning potential pre-trial motions.

5. The defense respectfully requests that the date for filing of motions as well as the subsequent dates for filing Opposition thereto and Replies be extended by 14 days. The defense also requests that the Court reschedule the date for the motions hearing to a time convenient with the Court's calendar and consistent with counsels' schedules.

6. Assistant United States Attorneys Anita D. Eve and Caroline Burrell have advised undersigned counsel that they have no objection to this motion.

**WHEREFORE**, the defense respectfully requests that this Court reset the deadlines for the filing of pretrial/affirmative motions.

Respectfully submitted,

/s/ James J. McHugh, Jr.  
JAMES J. MCHUGH, JR.  
Assistant Federal Defender

/s/ Hunter S. Labovitz  
HUNTR S. LABOVITZ  
Assistant Federal Defender

**CERTIFICATE OF SERVICE**

We, James J. McHugh, Jr., and Hunter S. Labovitz, Assistant Federal Defenders, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that we filed the attached Defendant's Unopposed Motion To Enlarge Time Within Which To File Pretrial Motions via the Court's Electronic Filing (ECF) system which sent notification to Anita D. Eve, Assistant United States Attorney, Suite 1250, 615 Chestnut Street, Philadelphia, PA 19106, via her email address [Anita.Eve@usdoj.gov](mailto:Anita.Eve@usdoj.gov). and Caroline Burrell, Assistant United States Attorney, 555 4<sup>th</sup> Street, NW, Washington, DC 20530, via her email address [Caroline.Burrell@usdoj.gov](mailto:Caroline.Burrell@usdoj.gov).

/s/ James J. McHugh, Jr.  
JAMES J. MCHUGH, JR.  
Assistant Federal Defender

/s/ Hunter S. Labovitz  
HUNTER S. LABOVITZ  
Assistant Federal Defender

DATE: January 10, 2022