

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

UNITED STATES OF AMERICA :
 :
 v. : **No. 21-MJ-236**
 :
LUKE RUSSELL COFFEE, :
Defendant. :

**MOTION FOR EMERGENCY STAY AND
FOR REVIEW OF RELEASE ORDER**

Luke Coffee used a crutch to attack law enforcement officers as they guarded a Lower Terrace entrance to the U.S. Capitol during the insurrection on January 6, 2021. Coffee’s assault, captured on video, included charging at these United States Capitol Police and Metropolitan Police Department Officers using the crutch and, in at least one instance, using the crutch in an attempt to strike the upper chest/head area of one of the officers. He did so as a member of the mob attacking the Capitol during its constitutional ritual of confirming the results of the 2020 Presidential Election. This gravely serious conduct constituted an act of domestic terrorism, *see* 18 U.S.C. § 2331(5), and resulted in the government charging Coffee with multiple felonies, including a crime of violence with a dangerous weapon. The defendant should be detained pending trial pursuant to 18 U.S.C. §§ 3142(f)(1)(E) and (f)(2)(A). The government respectfully requests that this Court first, stay the defendant’s release pending trial, and second, review the decision by a magistrate judge from the Northern District of Texas to deny the government’s motion for pre-trial detention.

I. BACKGROUND

A. Procedural Posture

On February 25, 2021, the defendant, Luke Coffee, was arrested in the Northern District

of Texas on a warrant issued by this Court in connection with a Criminal Complaint charging the defendant with violations of 18 U.S.C. §§ 111(b) (Assault of Federal Law Enforcement Officer with Dangerous Weapon), 231(a)(3) (Interference with Law Enforcement Officer During Civil Disorder), 1512(c)(2) (Obstruction of an Official Proceeding), and 1752(a)(1) and (2) (Unlawful Entry on Restricted Grounds), and 40 U.S.C. § 5104(e)(1) (Disorderly Conduct on Capitol Grounds).

At his initial appearance in the Northern District of Texas, the government made a motion to detain the defendant without bond pending trial. The defendant is subject to detention pursuant to 18 U.S.C. §§ 3142(f)(1)(E) and (f)(2)(A), which provides for detention in felony cases involving a dangerous weapon and instances in which the defendant poses a serious risk of flight. The presiding magistrate judge set detention and preliminary hearings for March 8, 2021. At the preliminary hearing, a Special Agent with the Federal Bureau of Investigation testified for several hours. At the conclusion of the hearing, the presiding magistrate judge found that that government had established probable cause for the offenses listed in the complaint. The magistrate judge denied the government's detention motion and released the Defendant pursuant to certain conditions but agreed to stay the release order pending appeal. *See United States v. Luke Coffee*, 3:21-mj-186 (N.D.T.X).

B. Statement of Facts

1. Coffee's Role in the January 6, 2021 Attack on the U.S. Capitol

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with

appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session

of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During that time, Coffee was among a group of insurrectionists attempting to gain entry to the Capitol through an entrance on the Lower Terrace. Numerous officers with the United States Capitol Police (“USCP”) and Metropolitan Police Department (“MPD”) guarded that entrance and sought to protect themselves as well as the Capitol building and its occupants.

As reflected on videos capturing the events, at approximately 4:28 p.m., Coffee picked up a crutch and raised it over his head, turning first to face the crowd of rioters and then turning to face the law enforcement officers at the entrance. *See* Figure 1 (screen shot from a video posted to YouTube).

Figure 1.



Coffee then lowered the crutch to waist height and proceeded to push the crutch into the line of MPD and USCP officers, making contact with at least one officer. *See* Figures 2-5 (screen

shots from police officer body cam video).

Figure 2



Figure 3.



Figure 4.



Figure 5.



In the midst of Coffee's attack, one MPD officer appears to grab Coffee in an attempt to push Coffee back. After being forced back from the officers, Coffee charged at the officers while still holding the crutch. This time Coffee held the crutch in a more aggressive manner, positioning

it directly towards the officer's upper chest/head area. See Figures 6-8 (screen shots from police officer body cam video).

Figure 6.



Figure 7.



Figure 8.



2. Coffee's Conduct Following the January 6, 2021 Attack

Coffee returned to his home state of Texas following the January 6, 2021 attack on the U.S. Capitol. On January 11 and 14, 2021, a close family member of Coffee's sent him messages through a social media platform. In one exchange, the family member asked, "For the Q storm does that mean you will arm yourself and war? . . . Did the Feds already talk to you? Or rumor?" Coffee responded on January 15, "Yap to both." In another exchange, on January 14, the family member asked, "Can you tell us where you will be thru Tuesday??" Coffee responded the next day, "Nope can't tell you where." On January 15, Coffee sent a message to the same close family member saying, "Don't worry. I'm being taken care of. I'm hidden."

In late January, Coffee granted an in-person interview to a reporter with *Texas Monthly*. In an article published after Coffee's arrest, Coffee is reported to have resided for several weeks at an undisclosed resort in Texas where he was, in the reporter's words, "hiding from the law."

See Ex. A.

On February 25, 2021, Coffee was arrested in the Northern District of Texas and his apartment in Dallas was searched by the FBI. Among other things, agents recovered what appears to be the same camouflage jacket Coffee was seen wearing in the videos depicting his attack. The jacket still smelled of pepper spray. Agents also obtained evidence that Coffee was on the verge of moving out of his apartment, including that agents observed clothes laid out around the apartment as if about to be packed.

C. Order for Release

After an initial appearance and hearing in the Northern District of Texas on March 8, 2021, the presiding magistrate judge issued an Order of Release for the defendant with certain conditions. On that same day, the United States orally sought a stay of the Order pending this Motion for Review. The magistrate judge granted that request, staying the release order “pending appeal.” *See United States v. Luke Coffee*, 3:21-mj-186 (N.D.T.X).

III. ARGUMENT

Title 18, U.S.C. § 3145(a) states:

(a) Review of a release order – If a person is ordered released by a magistrate, ...

(1) the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release

...

The motion shall be determined promptly.

On the government’s motion to review a release order, this Court considers *de novo* the Magistrate Judge’s denial of pre-trial detention. In its discretion, the Court may proceed to rehear the evidence by recalling the witnesses, reviewing transcripts, or by proceeding through proffer and argument. It may take additional evidence from new witnesses or consider arguments not previously raised. In short, the Court may proceed as best enables it to resolve

the question posed: whether any condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.

As the legislative history of the 1984 Bail Reform Act amendments shows:

[T]he language referring to the safety of the community refers to the danger that the defendant might engage in criminal activity to the detriment of the community. The committee intends that the concern about safety be given a broader construction than merely danger of harm involving violence. . .

See S.Rep. No. 225, 98th Cong., 2d Sess. 307, reprinted in 1984 U.S. Code Cong. & Ad. News 3182, 3195-3196.¹

¹ To that end, it is worthwhile recalling Congress' intent in 1984 when it enacted the current version of the Bail Reform Act:

Many of the changes in the Bail Reform Act reflect the . . . determination that Federal bail laws must . . . give the courts adequate authority to make release decisions that give appropriate recognition to the danger a person may pose to others if released. . . . The constraints of the Bail Reform Act fail to grant the Courts the authority to impose conditions of release geared toward assuring community safety, or the authority to deny release to those defendants who pose an especially grave risk to the safety of the community. . . . *This broad base of support for giving judges the authority to weigh risks to community safety in pretrial release decisions is a reflection of the deep public concern, which the Committee shares, about the growing problem of crimes committed by persons on release.*

See S.Rep. No. 225, 98th Cong., 2d Sess. 307, reprinted in 1984 U.S. Code Cong. & Ad. News 3182, 3486-3487. (Emphasis added.)

The defendant is subject to detention pursuant to 18 U.S.C. § 3142(f)(1)(E) and (f)(2)(A) because he is charged with a felony involving a dangerous weapon and poses a serious risk of flight. Consequently, the government requests review of the magistrate judge's decision to release the defendant and seeks a further stay of the order from this Court.

Respectfully submitted,

CHANNING PHILLIPS
ACTING UNITED STATES ATTORNEY

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POLITICS

He Rioted at the Capitol. Then for Weeks He Lived in Luxury While Hiding From the FBI.

Luke Coffee, a director and actor who appeared on NBC's 'Friday Night Lights,' found QAnon during the pandemic and then spent a month trying to evade the consequences of the path it led him down.

BY **PETER HOLLEY**

DATE **FEB 26, 2021**

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NOTES **19 COMMENTS**



Luke Coffee, a 41-year-old Dallasite, raises a crutch above his head as he faces off with a line of police officers at an entrance to the U.S. Capitol building on January 6, 2021.

Lev Radin/Pacific Press/LightRocket via Getty

On a warm day in late January, Luke Coffee invited me to join him on the patio of an Italian eatery at a fancy Hill Country resort and take in the view. The sprawling landscape, with orchards, vineyards, and horse stables, offered guests a rustic Central Texas take on the Tuscan countryside. But Coffee, a director and actor who appeared on NBC's *Friday Night Lights*, could never fully relax. Though he was living an Instagrammable vacation dream, he was in fact a man in hiding from the law, someone resisting reality until that was no longer possible.

Just three weeks before, Coffee had been more than 1,500 miles away—in Washington, D.C. On January 6, he participated in the riots at the U.S. Capitol, overnight becoming one of the most recognizable faces in the throngs of Donald Trump supporters there. An image of Coffee at the entrance to the Capitol—right arm extended as if about to give a high five—had been plastered on FBI posters seeking identifying information about the rioters. His cowboy hat and camo jacket had made him easily identifiable among the crowd, and on Twitter, a group of amateur investigators calling themselves Sedition Hunters had promised to ruin the career of the man they called the #HighFiveCowboy.

After the riot, Coffee went home to Dallas. In short order, his image began circulating on Twitter, the FBI asked him for a meeting, his father publicly urged him on Instagram to turn himself in, and his college roommate, who had remained one of his best friends, called Coffee a domestic terrorist on social media. The 41-year-old Dallasite decided to go somewhere peaceful to “clear his head.”

During our interview, Coffee sidestepped questions about how he chose the place he'd been hiding, but the resort's owner, who'd posted on social media that the rioters weren't insurrectionists but merely victims of a media smear campaign, was sympathetic to his case, he said, and had offered to shelter him at a discount for as long as he wanted. “It's ridiculous,” the owner told me during dinner service at the Italian restaurant, referring to the possibility that Coffee might face jail time for his role at the riot. “The whole thing is just ridiculous.”

Coffee told me he wasn't on the run from the FBI, but during his six-plus weeks at the resort, which is not being identified as a condition of our meeting there, he kept hearing from the bureau. He says one agent from the Dallas field office urged him to return to that

city to meet “face to face.” “You need to understand,” the man wrote in a text shared with *Texas Monthly*, “that this situation is not getting better.” Coffee responded with defiance and hoped to stay at the resort indefinitely. Weeks later, however, the gravity of his situation would finally set in, and Coffee would turn himself in to authorities and face a litany of charges.

There was little doubt about why the FBI was eager to sit down with Coffee. Footage recorded by journalists and attendees of the rally captures him near the top of the stairs leading to the building’s entrance, fewer than twenty seconds after rioters dragged D.C. police officer Michael Fanone out of a police line and into their midst and repeatedly assaulted him. In one clip, Coffee passes within several feet of a rioter beating the officer with an American flag and another who appears to pick Fanone’s black helmet off the ground and place it atop his own head.

Coffee told me that he never saw officer Fanone in distress, and that he went to the head of the crowd to try to de-escalate the situation. On video, Coffee can be seen lingering in the battle zone and at one point appears to yell at rioters to “stop.” But moments after, he picks up a crutch another protester had been wielding and holds it above his head, before lowering his shoulders and ramming into multiple officers.

Video footage analyzed by the *New York Times* also shows that, seconds before Coffee charges the officers, rioter Rosanne Boyland lies collapsed on the ground near his feet. The paper concluded that a protester holding a crutch—a man *Texas Monthly* can identify as Coffee—made it “virtually impossible for officers to give her aid, if they were able to notice her at all.” Coffee later told me he noticed a woman resembling Boyland who was trapped beneath the crowd at one point, but insisted he was unable to calm those around him enough to rescue her. By the time he pushed into police, he said, neither he nor the officers were aware of Boyland’s exact location. “If I had known she was nearby I would’ve grabbed them and said, ‘Let’s help this woman,’” he said. “But it was just confusion and chaos.”

Friends and family wonder how Coffee ended up in the middle of the violent scrum at the Capitol. Relatives have scolded him via text for trading his career, his family’s happiness, and potentially his freedom for the sake of his extreme political beliefs. Though Coffee’s circumstances are somewhat unique from other rioters—he spent his youth in a prosperous Dallas enclave and achieved modest celebrity as a TV actor—his story provides insight into how a Texan who had no previous interest in extremist politics could be pulled into the hall of mirrors of QAnon conspiracy theories and election deniers. It shows the key role that

scholars who study extremist movements say is often played by personal misfortune: in Coffee's case, a tragic hit-and-run accident, and the gutting of his business by the pandemic.

When we talked at the resort, Coffee obsessively rationalized and excused his actions on January 6, when he said he found himself "in the middle of a storm." "I didn't do anything wrong," Coffee told me during a rambling six-hour interview. He insisted he wasn't so much in hiding at the resort—"if the FBI wants me I'm sure they can easily find me," he said—as on an extended vacation. But like all vacations, it eventually had to come to an end. On February 25, Coffee turned himself into authorities at the Earle Cabell federal courthouse in Dallas. A day later he was charged on numerous counts, including assaulting a federal law enforcement officer with a dangerous weapon, interfering with a law enforcement officer during a civil disorder, obstructing an official proceeding, unlawfully entering onto restricted grounds, and engaging in disorderly conduct in the Capitol. For the first time after months of retreating into an online echo chamber, Coffee was forced to contend with the consequences of his extreme beliefs and actions.



Luke Coffee.

Peter Holley

The Justice Department has charged more than three hundred “Stop the Steal” rally attendees for their participation in the riot, according to Reuters. At least twenty of the charged rioters are Texans, a significant chunk of whom arrived from the Dallas–Fort Worth area. They include Paul Davis and Jenna Ryan, a lawyer and a real estate broker, respectively, from Frisco, and Larry Rendell Brock Jr., a retired Air Force officer from Grapevine. Like so many of his fellow rioters, Coffee is middle-aged and upper middle-

class, a business owner lacking prior ties to far-right extremist movements but with a radical, grievance-filled outlook on the world around him.

RELATED: *Who Were the Texans Who Traveled to the Capitol to Challenge the Election Results?*

Coffee spent most of his youth in Highland Park, one of the most affluent enclaves in Texas, located just north of downtown Dallas. His father worked in real estate and later as a full-time prison minister and missionary in Cuba. His mother taught preschool before becoming a stay-at-home parent. The family was one generation removed from something approaching Texas royalty. One of Luke's grandfathers, Russell Coffee, served as an assistant University of Texas football coach to Darrell Royal from 1959 to 1967. Luke's grandmother, Wynelle Watson Coffee, was married to longtime politician John C. White, who served as Texas agriculture commissioner, and later as U.S. deputy secretary of agriculture and chairman of the Democratic National Committee. Asked to provide insight into Coffee and his decision to riot at the Capitol, multiple family members and friends defended Coffee privately but declined to comment on him publicly.

Growing up, Coffee played football and eventually walked onto the Baylor football team as a defensive back his sophomore year of college, but he found himself drawn to filmmaking. After graduating, Coffee landed a job in postproduction on the Warner Bros. lot in Hollywood, and made a prime-time television appearance on an NBC drama. He began dating a fellow Dallasite and, after a few years, planned on marrying her. But early one Sunday morning in November 2006, while crossing the street as they left a Hollywood bar, the two were hit by a driver who fled the scene. Coffee's girlfriend was killed instantly. Recovering in the hospital from eleven broken ribs, two collapsed lungs, a broken leg, and a torn ACL, he wasn't able to attend her funeral.

Family members say Coffee became distant after the accident and that it made him more withdrawn, unleashing a years-long struggle with symptoms resembling post-traumatic stress disorder that Coffee has acknowledged battling. "Luke wasn't the same Luke after the wreck," a close relative, speaking on the condition of anonymity, recalled. "He became withdrawn and depressed and was never entirely himself again." Wracked by survivor's guilt, Coffee said, he planned to visit his girlfriend's grave before hanging himself at his family's ranch in Central Texas. He didn't follow through and today is making a movie about the traumatic experience, *Texas Angel*. Though it's framed as an uplifting tale about the world testing one man's faith, the experience hardened Coffee's outlook. "We live in a

world that is not a fair world and it's a rigged system," he said. "We're living in a broken, fallen place, and there are people that get away with evil."

After the accident, Coffee returned to Texas to work as an actor—appearing as a right-wing extremist on NBC's *Chase* and later as a heavily accented, over-the-top Texan in a series of commercials for Amarillo National Bank. He also launched a studio, Coffee Productions, which he said has done commercial work for Doritos, Gold's Gym, and the YMCA. Coffee said his business was thriving until last March, when the pandemic struck and commercial work dried up almost overnight.

Though conservative, Coffee had never been a die-hard supporter of Donald Trump, whose bullying demeanor he found off-putting. But that changed as his livelihood felt more and more threatened. He began to believe that shutdowns—which Trump opposed—were oppressive. He grew particularly distrustful of Dr. Anthony Fauci after the immunologist walked back his statements from late February advising against mask-wearing, and he became disgusted watching leaders, such as California governor Gavin Newsom, violate the orders meant to prevent the spread of COVID that they put in place. But Coffee's views on the virus seem to shift according to convenience. Though he regularly posts anti-mask memes on Instagram and suggests that fears of the virus are greatly exaggerated, he texted an FBI agent that he would not even consider meeting up until the agent had been "covid cleared."

Several months into the lockdown, Coffee found himself isolated, unable to work, and with lots of time to conduct deep dives on the dark web. He encountered QAnon, or as he puts it, "They found me." Relatives, who have limited contact with Coffee these days, say he quickly became "brainwashed" and began to refuse to engage with those who contradicted his new worldview.

In September Coffee began actively posting about QAnon conspiracies and releasing Instagram videos alleging the world was controlled by an all-powerful cabal of politicians, billionaires, propagandists, and Satanists, and that God had anointed Donald Trump to root out evil in the body politic. He often posted that there was a vast, child-trafficking ring run by pedophilic global elites. It's a belief that he traces all the way back to his own experience working in the Los Angeles entertainment industry years earlier, where he told me he was subjected to sexual harassment regularly, met many young actors who claimed to be preyed upon, and witnessed grooming of potential victims by sexual predators. "One thing I discovered early on was that elites play by different rules in Hollywood," Coffee said. "It was eye-opening." Coffee also grew to believe another conspiracy—that the election had

been stolen from Donald Trump—despite the lack of any evidence of fraud and the fact that courts repeatedly dismissed lawsuits challenging the validity of Joe Biden’s win.

Coffee told me he went to D.C. in early January to “be part of history,” to fight human trafficking, and to “bring all of this criminal behavior to light.” But as he drove from Dallas to Washington with a friend, he told his followers—who number more than 3,300 on Instagram—that he was “not a serious person.” When we met, he told me the Stop the Steal rally didn’t feel entirely serious either. Early on, Coffee said the gathering had a celebratory, festival-like atmosphere. He spent his time several hundred yards from the Capitol, bouncing from person to person, filming, taking photos for Facebook, and connecting with others.

He says he only stormed the building when he overheard an older man asking for reinforcements to “hold the line” near the front of the crowd, where rioters were attempting to overwhelm police on a second-level promenade by collectively pushing against them like a human battering ram. In Coffee’s telling, he innocently moved toward the front of the crowd, where some rioters were choking on tear gas and being trampled, to help “patriots” being victimized by police. Coffee told me he tried to de-escalate the situation by reciting Abraham Lincoln’s words: “A house divided against itself cannot stand!”

“There were people that were getting smothered,” he recalled thinking at the time. “The cops were moving forward and throwing tear gas and we needed to hold them back so we could get people out of there.” He added, “I kept saying, ‘Stop, we’re all Americans,’ and the cops kept beating me with their batons. I had a fight-or-flight response.”

In the days immediately after the riot, Coffee struck a proud tone about the crowd, posting videos on his Facebook account boasting about his experience at the Capitol. (Soon after, he was banned from the platform.) While in hiding, he also made multiple appearances on a YouTube talk show, *Conspiracy Castle*, and continued to post on Instagram—where his account remains active—about the incoming “QStorm” and his frustration with “cancel culture.”

In recent weeks, Coffee began to worry about his future, even though he called his actions at the Capitol “self-defense.” He hired a lawyer, and while he wished to stay longer at the resort, he grew to believe he would soon be arrested and charged. Reached by phone the night before he was planning to turn himself into authorities, Coffee said he’d been back in

Dallas for about a week. He tried to sound confident but seemed noticeably shaken. Prison didn't seem to be his primary concern. He'd accompanied his father as he ministered to inmates on at least four occasions and had some sense of what a future behind bars held; he even told me he'd accept a sentence, if it comes, as God's will. Instead, Coffee worried, voice quivering, that he had "brought shame" to his family. "I have liberal friends who think that I've lost it and that I'm a right-wing extremist, which is not the case."

It echoed a sentiment he'd shared in a rare moment of remorse when we met in person in late January and chatted behind his quaint, one-bedroom cottage. "I just don't want to be forever known as the Capitol riot guy."

19 COMMENTS

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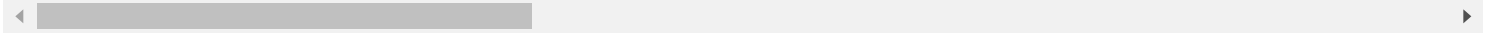
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 v. : **No. 21-MJ-236**
 :
LUKE RUSSELL COFFEE, :
Defendant. :

ORDER

Upon consideration of the Government’s Motion for Emergency Stay and for Review of Release Order as to defendant Luke Coffee,

It is this _____ day of March, 2021,

ORDERED, that the Motion for an Emergency Stay is hereby **GRANTED** and the release order entered by the Northern District of Texas Magistrate Judge on March 8, 2021, as to defendant Luke Coffee is **STAYED** pending review of the detention decision by this Court.

HONORABLE BERYL A. HOWELL
CHIEF JUDGE