

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-cr-178-APM
	:	
PETER SCHWARTZ, et al.	:	
	:	
Defendant.	:	Jury Selection: November 22, 2022

UNOPPOSED MOTION TO ENLARGE TIME OF FILING

The United States of America, by and through its attorney, respectfully moves the Court for a brief enlargement of time in which to file a response to defendant Peter Schwartz’s “Supplemental Memorandum of Law in Support of His Motion to Suppress,” filed on October 28, 2022. [ECF No. 149]. The United States seeks a brief enlargement of time of one week, to November 11, 2022, in which to respond.

In support of this motion, the United States submits that on August 30, 2022, defendant Peter Schwartz filed his initial Motion to Suppress the contents of his cell phone. [ECF No. 121]. The United States filed an opposition on September 13, 2022. [ECF No. 131]. On October 21, 2022, the court held an evidentiary hearing related to the motion. Following the conclusion of evidence, the Court offered defense counsel the opportunity to file additional briefing on the specific issue of whether the use of biometric characteristics is “testimonial” under the Fifth Amendment to the Constitution. The Court ordered that any supplemental briefing by the defendant was due on October 28, 2022, with any response from the United States due by November 4, 2022. On October 28, 2022, the defendant filed his supplement.

The United States has reviewed the defendant’s supplement and seeks an enlargement of seven additional days to respond for the purpose of additional consultation with appellate attorneys

within the Department of Justice on the legal issues raised by defendant Schwartz. The additional time will ensure that the government's response is fulsome and thoroughly addresses the complex legal questions raised by defendant Schwartz. Counsel for defendant Schwartz does not oppose an extension of time. Further, the defendant will not be prejudiced in any way by the extension. Jury selection is scheduled for November 22, 2022, and filing a response on November 11, 2022 will allow sufficient time for the underlying motion to be resolved without delay to the existing trial date.

For these reasons, the United States moves for a brief enlargement of time, to November 11, 2022, in which to respond to the defendant's supplement.

Respectfully submitted,

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