

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-cr-93 (RC)
v.	:	
	:	
JOHN D. ANDRIES,	:	
	:	
Defendant.	:	

**UNOPPOSED MOTION TO EXTEND TIME FOR GOVERNMENT TO RESPOND TO
DEFENDANT’S MOTION TO DISMISS COUNTS ONE, TWO, AND THREE OF THE
SUPERSEDING INDICTMENT**

The United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, respectfully requests a brief extension to file its opposition to defendant John D. Andries’s Motion to Dismiss Counts One, Two, and Three (ECF No. 20) until September 3, 2021 for the reasons stated below. The defense does not oppose this motion.

1. At a hearing on July 19, 2021, the defense notified the Court that it would be filing a motion to dismiss. The Court ordered the defense to file its motion by August 13, 2021; the government to file its opposition by August 30, 2021; and the defense to reply by September 7, 2021. See 07/19/2021 Minute Entry.

2. On August 13, 2021, the defense filed a Motion to Dismiss Counts One, Two, and Three of the Superseding Indictment (ECF No. 20).

3. The government now requests a week extension to file its opposition because the undersigned prosecutor, along with the Criminal Division attorney who is coordinating the Office’s response to pre-trial motions in Capitol cases, are on pre-approved leave from August 23 to 27, 2021.


4. Further, based on oral argument before Judge Randolph D. Moss in United States v. Patrick Montgomery, et. al., 21-CR-46, the government believes that the defense in that case will be filing a motion by September 3 that makes similar arguments to the motion filed here. The government is interested in coordinating its response to both motions for consistency.

5. Therefore, the government requests a brief extension of one week to file its opposition by September 3, 2021.

6. The parties would also request that the defendant's time to reply be extended to September 13, 2021.

WHEREFORE, the government respectfully request that this Honorable Court extend the deadline for it to respond to the defendant's Motion to Dismiss Counts One, Two, and Three until September 3, 2021, and the defendant's time to reply until September 13, 2021.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion was sent to counsel for the defendant, Maria Jacob, Esq., on August 17, 2021, via CM/ECF and/or by email on the same date.


ELIZABETH C. KELLEY