

**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

ORDER

AND NOW, this day of , 2022, in consideration of the Defendant’s Second Unopposed Motion to Enlarge Time Within Which to File Pretrial Motions, it is hereby **ORDERED** that the motion is **GRANTED**. The time for filing motions in the above-captioned matter is hereby enlarged by 30 days.

BY THE COURT:

THE HONORABLE RANDOLPH D. MOSS
United States District Court Judge

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

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V.

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CASE NUMBER 21-CR-527

**DEFENDANT’S SECOND 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. On January 10, 2022 the defense filed an unopposed motion to enlarge the time to file pretrial/affirmative motions due to the inability to conduct legal visits between defense counsel and the defendant.
5. On January 12, 2022 this Court granted this motion and reset the deadlines as follows: Pretrial motions due to be filed on January 28, 2022; Opposition to said motions due to be filed on February 11, 2022; Replies to the Opposition due to be filed by February 18, 2022

and the hearing on said motions to be held on March 7, 2022.

6. Unfortunately, because of the latest surge of the COVID virus, in-person legal visits and video legal visits continued to be suspended until today and the earliest legal visit that counsel can schedule with Mr. Byerly will be on January 28, 2022. Thus, undersigned counsel is unable to adequately discuss with Mr. Byerly issues concerning potential pre-trial motions in time to file pretrial motions on January 28, 2022.

7. Furthermore, counsel for the government and for the defense have scheduled a meeting for next week to discuss a non-trial disposition which if successful would alleviate the need to file pretrial motions.

8. 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 30 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.

9. 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
HUNTER 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 Second 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. and Caroline Burrell, Assistant United States Attorney, 555 4th Street, NW, Washington, DC 20530, via her email address 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 26, 2022