

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Case No. 21-CR-301 (TJK)</b>
	:	
<b>STEPHEN HORN,</b>	:	
	:	
<b>Defendant.</b>	:	

**CONSENT MOTION FOR A 14-DAY EXTENSION OF TIME TO RESPOND TO  
DEFENDANT’S MOTION TO AMEND DEFENDANT’S CONDITIONS OF RELEASE**

The United States of America, by and through the United States Attorney for the District of Columbia, with the consent of Defendant Stephen Horn (“Defendant”), moves the Court pursuant to Fed. R. Crim. P. 45(b)(1)(A) for a 14-day extension of time to respond to Defendant’s Motion to Amend Defendant’s Conditions of Release (“Motion to Amend”) from the current due date, December 31, 2021 to January 14, 2021, and in support thereof shows unto the Court:

**RELEVANT BACKGROUND**

On March 29, 2021, the United States issued a criminal complaint that charged Defendant with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. Specifically, the Criminal Complaint charged Defendant: (1) entered and remained in a restricted building, in violation of Title 18, United States Code, Section 1752(a)(1); (2) had engaged in disorderly and disruptive conduct in a restricted building, in violation of Title 18, United States Code, Section 1752(a)(2); (3) engaged in violent entry and disorderly conduct in a Capitol building, in violation of Title 40, United States Code, Section 5104(e)(2)(D); and Defendant paraded, demonstrated, or picketed in a Capitol building, in violation of Title 40, United States Code, Section 5104(e)(2)(G). ECF No. 1.

On April 9, 2021, Defendant surrendered to law enforcement agents, was arrested on the charges contained in the Criminal Complaint and had an initial appearance in the Eastern District of North Carolina where he was released on conditions, including a provision that Defendant could not possess a firearm. ECF No. 3 at 2; ECF No. 7.

On April 13, 2021, the United States filed an Information that charged Defendant in Count One with Entering and Remaining in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(1). Count Two charges Defendant with Disorderly and Disruptive Conduct in a Restricted Building, in violation of Title 18, United States Code, Section 1752(a)(2). Count Three charges Defendant with Violent Entry and Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D). Count Four charges Defendant with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G). ECF No. 5.

On April 27, 2021, Defendant appeared before the Honorable Magistrate Judge G. Michael Harvey. Defendant entered a plea of not guilty as to all counts and was once more released on a personal recognizance bond with conditions, including a provision that Defendant could not possess a firearm. ECF No. 13 at 2. Thereafter, the parties have filed joint and uncontested motions to continue the matter. ECF Nos. 15, 19-20, 22, 32.

On December 17, 2021, Defendant filed the Motion to Amend the conditions of his release to allow him to possess a firearm. ECF No. 35. The United States' Memorandum in Opposition to the motion is due December 31, 2021. LCrR 47(b).

### **BASIS FOR MOTION**

Defendant advances a series of claims in support of the Motion to Amend his release conditions to allow possession of a firearm, including a Second Amendment claim. ECF No. 35.

Undersigned counsel for the United States requests more time to conduct research on Defendant's claims, to draft a memorandum addressing those claims, and to seek supervisory approval and review before filing said memorandum particularly because during this period necessary personnel, including undersigned counsel, are unavailable for short periods. The United States has conferred with Defendant regarding the premises of the instant motion and Defendant consents to the motion.

Respectfully submitted,

MATTHEW M. GRAVES  
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D.C. Bar No. 481052

By: /s/ Michael G. James  
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**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on December 22, 2021 undersigned counsel served a copy of the Government's Motion for an Extension of Time on counsels for Defendant through the Court's electronic case file system.

By: /s/ Michael G. James  
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