

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	CRIMINAL NO. 1:21-cr-00488 (CRC)
NOAH S. BACON,	:	
	:	
Defendant.	:	

**CONSENT MOTION FOR A ONE-WEEK EXTENSION OF TIME TO RESPOND TO
DEFENDANT’S MOTION TO DISMISS COUNT SIX OF THE INDICTMENT**

The United States of America, by and through the United States Attorney for the District of Columbia, with the consent of Defendant Noah S. Bacon (“Defendant”) moves the Court for a one-week extension of time to file a response to Defendant’s Motion to Dismiss Count Six of the Indictment, and in support thereof shows on to the Court:

RELEVANT BACKGROUND

On July 23, 2021, the Grand Jury issued an indictment that charged Defendant with violating 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds)(Count One), 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds)(Count Two), 40 U.S.C. § 5104(e)(2)(B) (Entering and Remaining in the Gallery of either House of Congress) (Count Three), 40 U.S.C. § 5104(e)(2)(D)(Disorderly Conduct in a Capitol Building)(Count Four), 40 U.S.C. § 5104(e)(2)(G)(Parading, Demonstrating, or Picketing in a Capitol Building)(Count Five), and 18 U.S.C. §§ 1512(c)(2), and 2 (Obstruction of an Official Proceeding and Aiding and Abetting Obstruction of an Official Proceeding)(Count Six). ECF No. 6.

On August 3, 2021, the Court arraigned Defendant and Defendant entered not guilty pleas to the charges. Minute Order, August 3, 2021.

On June 1, 2022, the Grand Jury issued a six-count Superseding Indictment. ECF No. 38.

On June 21, 2022, the Court held a status hearing and set October 17, 2022, for trial. Minute Order, June 21, 2022.

On July 27, 2022, Defendant filed a motion to dismiss Count Six, the obstruction of an official proceeding count, based on a memorandum opinion issued in *United States v. Miller*, Case No. 1:21-cr-00119-CJN, which dismissed the obstruction of an official proceeding count in that case and obstruction of an official proceeding counts in two subsequent cases before the same judge of this Court on the reasoning in *Miller*, *United States v. Fischer*, Case No. 1:21-cr-00234-CJN and *United States v. Lang*, Case No. 1:21-00053-CJN, and a motion to continue the trial until expedited appeals in *Miller*, *Fischer*, and *Lang* are resolved. ¹ECF Nos. 43-44.

On August 1, 2022, the Court issued a minute order denying the motion to continue the October 17 trial. Minute Order, August 1, 2022.

BASIS FOR MOTION

The Government's response to Defendant's motion is due on August 10. Undersigned counsel began researching and drafting a response to Defendant's Motion to Dismiss on July 27 but a family emergency interrupted counsel's preparation. Undersigned counsel is requesting a one-week extension of time to complete the Government's response and for supervisory review and approval (particularly in light of the pending appeals in *Miller*, *Lang*, and *Fisher*) before filing

¹ On August 1, 2022, the Court of Appeals granted the Government's motion to consolidate *Miller*, *Lang*, and *Fischer*. See Order Granting Consolidation, ECF Document No. 1957284, *United States v. Miller*, No. 22-3041; *United States v. Lang*, No. 22-3039; *United States v. Fischer*, No. 22-3038 (D.C. Cir. Aug. 1, 2022).

the response to Defendant's motion. Undersigned counsel has apprized counsel for Defendant of the premises of the request to extend time to respond and Defendant consents to the motion.

Respectfully submitted,

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