

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

Crim. Action No. 21-24-1 (EGS)  
Hon. Emmet G. Sullivan

**MOTION FOR LEAVE TO FILE MOTION BRIEF OUT OF TIME**

Mr. Gieswein, through undersigned counsel, respectfully requests that this Court permit counsel to file the motion to reopen the detention hearing a few hours late, that is, in the early morning hours of November 18, 2021, rather than on November 17, 2021. Mr. Gieswein states the following in support of his motion:

1. At a status hearing on November 16, 2021, counsel for Mr. Gieswein notified the Court that counsel would file a motion to reopen the detention hearing on November 17. The Court and parties agreed on a briefing and hearing schedule accordingly, and the Court issued an order setting that November 17 as the deadline for the motion. Nov. 16, 2021 Minute Entry.

2. The defense worked diligently to meet the deadline for the motion, but undersigned counsel was not able to finalize the brief until past midnight on November 18.

3. As the government will have access to the motion within hours after the original deadline, permitting counsel to file late will not prejudice the government.

4. Undersigned counsel has no objection to the Court granting the government an equivalent extension of its current deadline to file a response brief (December 1), even if the Court does not extend the defense's current deadline to file a reply (December 6).

5. Granting the motion will not require the Court to alter any other deadlines.

6. Undersigned counsel could not reach counsel for the government at this hour to learn his position on this motion.

7. The proffered motion is attached hereto as Exhibit 1.

Accordingly, Mr. Gieswein, through undersigned counsel, respectfully requests that this Court grant him leave to file his motion later than ordered. For the Court's convenience, a proposed Order is submitted with this Motion.

Respectfully submitted on November 18, 2021.

**ROBERT GIESWEIN**

by counsel:

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Eastern District of Virginia

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