

IN THE DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	C/A: 1:21-cr-00044-CJN-1
vs.)	
)	
DAN PHIPPS,)	
Defendant.)	
_____)	

MOTION FOR DELAY OF SURRENDER

To: *The Honorable Carl J. Nichols*

Undersigned counsel, on behalf of the defendant, Dan Phipps, respectfully asks this Court to allow for the delay of his surrender which is currently scheduled for next Thursday, October 12, 2023. Undersigned counsel is in the process of being retained by Mr. Phipps for purposes of perfecting his appeal of this matter.¹ Counsel is also going to be filing an IFP affidavit with this Court for its consideration to safeguard Mr. Phipp’s right to appellate representation should it be necessary.² Respectfully, counsel asks for this delay in Mr. Phipp’s surrender so she may have time to confer with him about matters related to this appeal before he enters the Bureau of Prisons where it can be much more difficult to set up confidential attorney-client communications. This request is not made to delay the case but so counsel can assist Mr. Phipp’s exercise of his right to appellate

¹ Counsel’s application for admission to the D.C. Circuit Court of Appeals is pending and was filed July 13, 2023. Counsel was informed two days ago she needs an additional signature for her application which counsel will be obtaining in short order.

² Counsel, on this date, spoke with the case manager for this appeal in the D.C. Circuit Court of Appeals. She confirms the case has not yet been dismissed due to failure to pay the filing fee or filing the IFP affidavit. She confirms the Court will be made aware when Mr. Phipp’s IFP affidavit is filed with this Court.

review of his case. Counsel respectfully asks this Court to allow a 4-week delay for Mr. Phipp's surrender to the Bureau of Prisons.

Counsel has conferred with Michael Liebman of the US Attorney's Office and he is opposed to this request.

Respectfully submitted,

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October 4, 2023