

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

UNITED STATES OF AMERICA,

*Plaintiff,*

*vs.*

Case No. 21-cr-444-JEB

BRIAN CHRISTOPHER MOCK,

*Defendant.*

---

**DEFENDANT'S MOTION TO EXTEND TIME  
TO FILE DISPOSITIVE MOTIONS**

Brian Mock moves the Court for a seven-day extension of the deadline to file dispositive motions to May 1, 2023.<sup>1</sup> The government did not immediately respond to a request for its position on this motion.

1. On April 5, 2023, the Court held a hearing. Among other things, it set a deadline for filing dispositive motions for the Second Superseding Indictment filed in March. Among the indictment's "new" counts are alleged violations of Sections 1512(c)(2) and 1752(b)(1).

2. On April 7, the Circuit Court of Appeals for the D.C. Circuit decided *United States v. Fischer*, No. 22-3038, 2023 WL 2817988 (D.C. Cir. April 7, 2023). It

---

<sup>1</sup> Dispositive motions are due today. The April 5, 2023, text-only hearing minutes set a deadline of April 22, 2023, for the defense to file dispositive motions and responses to the government's motions in limine. April 22 was a Saturday, and the Court was closed.

set controlling precedent for interpreting Section 1512(c). But it's a fractured opinion, and there's ambiguity about what Judges Pan and Walker agreed on—and what they did not. The dissent only matters to the extent it shows that in response to a disagreement between the parties about what Section 1512(c) means, a panel of three—very able—judges couldn't agree either.

3. Counsel had hoped to rethink and revise its dispositive motions in time for the deadline. Seven days is necessary to finishing cutting and distinguishing. But it's not so long that the Court risks yet another set of directions coming down from the Circuit Court. The Court should grant the seven-day extension so that the parties can accommodate the new law in this case's motion practice.

Dated at Madison, Wisconsin, this April 24, 2023.

Respectfully submitted,

*Peter R. Moyers*

---

Peter R. Moyers  
Counsel for Mr. Mock

THE MOYERS LAW FIRM, LLC  
601 Sawyer Terrace  
#5041  
Madison, Wisconsin 53705  
Tel: 608-286-8399  
peter@moyerslawfirm.com