

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>Case No. 21-CR-38 (CRC)</b>
<b>v.</b>	:	
	:	
<b>RICHARD BARNETT</b>	:	
<b>also known as “Bigo Barnett,”</b>	:	
	:	
<b>Defendant.</b>	:	

**MOTION TO STRIKE ECF NO. 178 AND  
MOTION FOR LEAVE TO FILE OMNIBUS RESPONSE IN EXCESS OF PAGE LIMIT**

On February 5, 2023, the defendant filed post-trial motions pursuant to Fed. R. Crim. P. 29 and 33. *See* ECF Nos. 174 (27 pages, plus exhibits) and 175 (44 pages, plus exhibits). On February 21, 2023, the government filed an unopposed motion to extend its deadline to respond to the defendant’s post-trial motions, which the Court granted. *See* ECF No. 176; Minute Order (Feb. 21, 2023). The government’s response is due on March 7, 2023.

On March 3, 2023, in recognition of the page limits set forth in Local Criminal Rule 47(e), the government drafted a motion to exceed the page limit in an omnibus response, provided the defendant with a copy, and requested the defendant’s position. The United States intended to file its omnibus response on the docket as an attachment to the motion to exceed the page limit.

On March 5, 2023, however, the government prematurely filed its response as an independent item on the docket. ECF No. 178.

Accordingly, the United States respectfully requests that the Court strike ECF No. 178 as erroneously filed.

Additionally, rather than file two separate opposition briefs, each separately within the 45-page limit imposed by Local Criminal Rule 47(e), and for the same reasons provided in the

government's motion to extend its deadline to respond, ECF No. 176, the government requests leave to file the attached omnibus opposition. The omnibus opposition is 58 pages long. *See Ex. 1.* This is well below the 90 pages the government would have available via two separate filings under Local Criminal Rule 47(e).

The United States has consulted with counsel for the defendant, who opposes this motion, contending—without authority—that the government's use of an omnibus response is “unduly burdensome” on the defense. *See* ECF No. 179.

Respectfully submitted,

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<b>Defendant.</b>	:	

**ORDER**

Upon consideration of the United States’ Motion for Leave to File Omnibus Response in Excess of Page Limit, it is hereby

**ORDERED** that the motion is **GRANTED**. It is further

**ORDERED** that the Clerk of the Court strike ECF No. 178 from the docket as erroneously filed.

**ORDERED** that the United States’ omnibus opposition to the defendant’s post-trial motions, ECF No. 180, Ex. 1, is **ACCEPTED AS FILED**.

Date:

\_\_\_\_\_  
THE HONORABLE CHRISTOPHER R. COOPER  
UNITED STATES DISTRICT JUDGE