

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

**UNITED STATES OF AMERICA**

v.

**WILLIAM POPE, and  
MICHAEL POPE,**

**Defendants.**

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**Case No. 21-cr-128 (RC)**

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**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO MODIFY  
DISCOVERY SENSITIVITY DESIGNATION**

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The Government opposes the defendant’s motion (ECF No. 112) on its merits. Moreover, the Government takes the position that this Court does not have jurisdiction over the defendant’s motion, as the defendant has filed a Notice of Appeal.

The defendant’s motion lacks requisite specificity; he cites no justification for his blanket request to change the designation of every file currently designated as “highly sensitive” to “sensitive,” nor does he cite to any legal support. The defendant’s desire to possess hard copies of these materials, when the Court has already expressed willingness to provide him with access to them via and under the supervision of local standby counsel, is not a sufficient basis to grant his request.

Further, the defendant has already filed a notice of appeal concerning this issue (ECF No. 107), and the Government has, in response, filed a motion to dismiss that appeal. Accordingly, this Court lacks jurisdiction to take any action with respect to the defendant’s motion. “The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case

involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); *see, e.g., United States v. Hallford*, 816 F.3d 850, 855 n.4 (D.C. Cir. 2016) (quoting same). “The district court does not regain jurisdiction over those issues until the court of appeals issues its mandate.” *United States v. DeFries*, 129 F.3d 1293, 1302 (D.C. Cir. 1997). Because the relief the defendant seeks in the instant motion is substantially similar to the relief denied in the Order that the defendant is appealing, this Court does not have jurisdiction to consider the defendant’s motion.

For these reasons, the Government respectfully requests that the Court deny the defendant’s motion for lack of jurisdiction.

Respectfully submitted,

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