

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

v.)

DANIEL GOODWYN,)

Defendant.)

Case No. 1:21-cr-00153 (RBW)

**DEFENDANT'S RESPONSE TO GOVERNMENT'S MOTION AT ECF NO. 65 FOR
LEAVE TO FILE LATE RESPONSE**

Comes now the Defendant, Daniel Goodwyn, by and through undersigned counsel, and respectfully provides his response to the Government's motion at ECF No. 65; and defers to the Court's standards for allowing a late response to a motion to come into the record, and requests that the Court allow at least the standard seven day reply time if the Court decides to accept the late response into the record. Mr. Goodwyn provides the following:

I. BACKGROUND: Mr. Goodwyn filed a motion to dismiss Count One of the indictment on September 30, 2022. ECF No. 59. The government did not file a response to ECF No. 59 when due on October 14, 2022, and on October 24 submitted ECF No. 65 requesting leave to file late. The Government's motion at ECF No. 65 for leave to file late did not specifically reference ECF No. 59 and attached the late response to the request to file late.

II. DISCUSSION:

Mr. Goodwyn has not "replied" to the Government's late "response" because it has not been approved for entry into the record and is not tied to ECF No. 59 as it stands. The Court has not allowed or denied ECF No. 65 for entry of the response. Given this status, the Defense has not replied because there is nothing to reply to in the Court record, and Court denial of the

Government's motion at ECF No. 65 for leave to file late would make a reply extraneous and moot.

As the Government stated in its motion, the Defendant takes no position on the requested late filing. Mr. Goodwyn does not argue one way or the other as to whether the Government meets standards for a late filing and defers to the Court, where after the fact lateness usually requires excusable neglect.

III. CONCLUSION.

Wherefore, if the Court decides to approve the Government's motion at ECF No. 65 and the response to ECF No. 59 is allowed into the record, then the Court should specify that the standard reply time of at least seven days - or longer as the Court may see fit - be applied upon entry of the Government's response to ECF No. 59.

Dated November 7, 2022

Respectfully submitted,
/s/ Carolyn A. Stewart

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Dated November 7, 2022

Respectfully submitted,
/s/ Joseph D. McBride, Esq.

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CERTIFICATE OF SERVICE

I hereby certify on the 7th day of November 2022, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

/s/ Carolyn A. Stewart
Carolyn A. Stewart, Esq.