

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-cr-246 (ABJ)
	:	
DANIEL RODRIGUEZ, et al.	:	
	:	
Defendant.	:	

MOTION TO ENLARGE TIME OF FILING AND FILE OMNIBUS OPPOSITION

The United States of America, by and through its attorney, respectfully moves the Court for a brief enlargement of time in which to file a response to defendant Edward Badalian’s “Motion to Dismiss Counts Two, Three and Ten,” (ECF No. 106), for the purpose of consolidating its response to defendant Badalian’s motion with its response to related motions filed by his codefendant, Daniel Rodriguez. This is a conspiracy case, and the indictment charges both defendants with similar violations based on their actions prior to, on, and subsequent to the January 6, 2021 riot at the United States Capitol. The United States seeks a brief enlargement of time, until June 10, 2022, in which to respond. The government has conferred with defense counsel for both defendants, and neither object to this motion.

In support of this motion, the United States submits that on February 28, 2022, the Court issued a scheduling order for dispositive motions. Docket Entry February 28, 2022. Under the terms of that order, defense counsel was instructed to file Fed. R. Crim. Proc. 12(b)(3) motions to dismiss by May 20, 2022; the government’s opposition would be due on June 3, 2022. *Id.* On May 20, 2022, defendant Rodriguez filed a motion, with the government’s consent, to continue their deadline to file any motion to dismiss by one week. ECF No. 105. The Court granted that motion. Docket Entry May 20, 2022. Defendant Badalian filed his motion to dismiss Counts Two, Three

and Ten on May 20, 2022. ECF No. 106. On May 27, 2022, defendant Rodriguez filed his motion to dismiss Counts Two and Three. ECF No. 108.

Each of the motions filed by defendants Badalian and Rodriguez seeks to dismiss two identical counts: Count Two, charging the defendants with Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2), and Count Three, charging the defendants with Tampering with Documents, in violation of 18 U.S.C. § 1512(c)(1).¹ Moreover, the motions contain overlapping and interrelated arguments regarding the propriety of proceeding to trial on those counts. As such, the United States seeks to file a single omnibus response to the arguments raised in both motions on June 10, 2022—14 days after its receipt of defendant Rodriguez’s motion. Given that no trial date is not has been set, and defendant Badalian is presently at liberty in the community, defendant Badalian will not be prejudiced by this brief enlargement of time to respond. Further, permitting the United States to file a single response encompassing all arguments on this issue will streamline the Court’s consideration of whether to permit Counts Two and Three, with which all codefendants have been charged, to go to a jury.

For these reasons, the United States moves for a brief enlargement of time, to June 10, 2022, in which to respond to defendant Badalian’s and defendant Rodriguez’s motions to dismiss, and to submit an omnibus opposition motion to this Court.

Respectfully submitted,

MATTHEW M. GRAVES
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D.C. Bar No. 481052

¹ Defendant Badalian seeks to dismiss one additional count—Count Ten, charging him with Unlawful Entry into Restricted Buildings and Grounds, in violation of 18 U.S.C. § 1752(a)(1). The government seeks leave to address this argument at the same time as the arguments seeking to dismiss Counts Two and Three.

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