

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-562 (RC)
	:	
BENJAMIN MARTIN,	:	
	:	
Defendant.	:	

JOINT MOTION TO CLARIFY

On Monday, May 15, 2023, the parties appeared for a Status Conference. The Court asked about the status of *United State v. Yates*, 22-30051 (9th Cir.), which raises the constitutionality of 18 U.S.C. § 922(g)(9), the statute the defendant is charged with violating in a separate case currently pending in the Eastern District of California. The parties stated that oral argument in *Yates* was held on March 28, 2023 but that a final decision had not yet been issued. The Court set a further status conference for July 13, 2023, and excluded time under the Speedy Trial Act, partially to await the outcome in *Yates*. At the time, the parties were unaware that on March 31, 2023, the Ninth Circuit had vacated the district court's judgment in *Yates* and remanded to the district court for further proceedings consistent with *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

The parties do not believe this development should disturb the Court's order that time be excluded until the next status on July 13. The additional time is still necessary to determine whether the development in the *Yates* litigation will lead to a resolution in Mr. Martin's Eastern District of California case, which would in turn allow counsel for both parties to most effectively address the instant case and prepare for a either a pretrial resolution or trial.

Respectfully submitted,

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