

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA

v.

DEREK COOPER GUNBY,

Defendant.

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) Criminal No. 21-0626 (PLF)  
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ORDER


A jury trial in this case is scheduled to commence on October 31, 2023. See Fourth Amended Scheduling Order [Dkt. No. 77]. Defendant Derek Cooper Gunby has filed a motion to stay the proceedings in this case pending the outcome of the appeal in United States v Hatchet Speed, No. 23-3078. See Defendant Gunby's Motion to Stay Proceedings Pending the Outcome of Consolidated Appeal on the Issue of the United States' Retaliatory Superseding Indictments [Dkt. No. 79]. The government opposes his motion. See Government's Response to Defendant's Motion to Stay Proceedings [Dkt. No. 81].

The Court has considered the motion and the government's opposition. As the government notes, this Court has already considered and rejected Mr. Gunby's initial claim of vindictive prosecution. See Memorandum Opinion and Order [Dkt. No. 68]. Furthermore, none of the factors that the Court must consider when evaluating whether to issue a stay counsels in favor of granting Mr. Gunby's request. See Nken v. Holder, 556 U.S. 418, 426 (2009).

For the reasons set forth in the Court's previous Memorandum Opinion and Order and in the government's opposition to Mr. Gunby's motion, it is hereby

ORDERED that Defendant Gunby's Motion to Stay Proceedings Pending the Outcome of Consolidated Appeal on the Issue of the United States' Retaliatory Superseding Indictments [Dkt. No. 79] is DENIED.

SO ORDERED.

  
PAUL L. FRIEDMAN  
United States District Judge

DATE: 10/12/23