

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

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:22-cr-15-1 (APM)
)	
ELMER STEWART RHODES III,)	
)	
Defendant.)	

**GOVERNMENT’S CLARIFICATION OF POSITION AS TO
DEFENDANT’S MOTION TO NOT TRANSFER DEFENDANT**

The United States respectfully files this clarification of its position regarding Defendant Elmer Stewart Rhodes’s February 18, 2022, oral motion asking the Court to order the United States Marshal’s Service (USMS) to keep defendant Rhodes in the facility where he is currently detained.

On February 18, 2022, the Court denied Defendant Rhodes’s motion to reconsider his pre-trial detention and ordered him committed to the custody of the Attorney General pending trial. 18 U.S.C. §3142(i)(2). At that time, defense counsel renewed their motion for defendant Rhodes to remain detained at his current facility. At that time, undersigned government counsel did not oppose the request; counsel writes now to clarify the government’s position. The decision about where to house defendants who are committed to the custody of the Attorney General for pre-trial detention rests squarely with the USMS. The government, therefore, opposes the defendant’s request for a Court order directing the USMS to house the defendant in any particular location. The government is, however, eager to ensure that the defendant be afforded an adequate opportunity to prepare for the July 11, 2022, trial and will work to that end.

Respectfully submitted,

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