

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 21-cr-342-PLF
 :
 JERAMIAH CAPLINGER, :
 :
 Defendant. :

MOTION FOR A 5-DAY EXTENSION OF TIME TO FILE REPLY BRIEF

On January 31, 2022, the Court directed the parties and the Federal Public Defender (FPD) to file supplemental briefs on the legal question of “whether the Sentencing Reform Act of 1984, 18 U.S.C. § 3551 et seq., prohibits the Court from imposing both a custodial sentence and a sentence of probation for a violation of 40 U.S.C. § 5104(d), a petty offense Class B misdemeanor.” Doc. 48. The initial briefing schedule set by the Court ordered the defendant and FPD to file their briefs on or before February 18, 2022, and for the United States to file its reply on or before March 4, 2022. *Id.* The FPD requested and received a five-day extension from the Court, *see* Docs. 50, 52, however, and filed its *amicus curiae* brief on February 23, 2022, Doc. 53.

The United States respectfully requests a matching five-day extension of time to file its reply brief. The United States is diligently working to address each of the complex statutory interpretation arguments advanced by the defendant and FPD, as well as to ensure that the United States is taking consistent positions across the many similar January 6-related cases pending sentencing. Unfortunately, these tasks have taken longer than the United States anticipated.

The United States contacted all defense counsel to ascertain their positions on this motion. Assistant Federal Defender James Gerometta stated that he has no objection to the United States’ request. The United States did not receive a response from John Pierce, Esquire, however.

A proposed order is attached.

Sincerely,

MATTHEW GRAVES
United States Attorney

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