

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:23-CR-7

v.

Hon. Robert J. Jonker
United States District Judge

NATHAN WEEDEN,

Defendant.

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE

On September 15, 2023, the Court held a status conference, wherein the parties met to discuss the status of the case and legal matters that could potentially come before the Court during pretrial discovery or any trial of the case. At the conference the Court inquired about the Government's theory of the case, questioning whether the charges required a demonstration of state action or action "under color of law." The Government and defense counsel both indicated they would like to conduct additional research on the issue. To ensure the defense properly understood the issues raised and cases cited by the Court at the status conference, undersigned counsel ordered a transcript of the proceedings.

After receiving and reviewing the transcript and researching the legal background of the charge of conspiracy against rights and the historical context of the applicable statutes, undersigned counsel determined that more time would be required to research and, if appropriate, to submit a pre-trial motion for the Court's consideration. Dispositive

motions were due on October 23, 2023. Undersigned counsel reached out to Assistant U.S. Attorney on October 19, and Mr. Kessler had no objection to an extension of time to file a pretrial motion.¹ Accordingly, Mr. Weeden requests that the deadline for filing dispositive motions be extended for ten (10) days, to November 2, 2023.

Respectfully submitted,

Dated: October 25, 2023

/s/Heath M. Lynch
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¹ Undersigned counsel mistakenly interpreted AUSA Kessler's October 19 email confirmation of his agreement not to object to a brief extension of time and declined to formally submit a motion for the extension, believing the government's position would be stated at the time of filing of any dispositive motion. When counsel spoke again today, on October 25, AUSA Kessler clarified and confirmed his position and the parties agreed that a motion would be appropriate.