

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Case No. 08-00026-04-CR-W-FJG
)	
CHRISTOPHER L. ELDER,)	
)	
Defendant.)	

**MOTION FOR LEAVE TO FILE OUT OF TIME AND AN
EXTENSION OF TIME IN WHICH TO FILE GOVERNMENT’S
RESPONSES TO DEFENDANT ELDERS’ MOTION FOR SEVERANCE
AND MOTION TO STRIKE ALLEGATIONS IN THE INDICTMENT**

The plaintiff, the United States of America, appears by John F. Wood, United States Attorney, and Rudolph R. Rhodes, IV, Assistant United States Attorney, both for the Western District of Missouri, and requests leave to file out of time and a 30-day extension of time in which to file the government’s response to defendant Elder’s motion for severance and the government’s response to defendant Elder’s motion to strike allegations in the indictment. The government offers the following suggestions in support of this request:

1. Defendant Christopher L. Elder filed a Motion for Severance on March 23, 2008;
2. Defendant Elder also filed a Motion to Strike Paragraphs One through Seven from the Indictment on March 23, 2008;
3. His co-defendants, Troy R. Solomon and Christopher L. Elder, each filed a motion seeking a separate trial from that of their co-defendants on April 2, 2008;

4. The government's responses to defendant Elder's motions are due to be filed with this Court on April 4, 2008. The government is requesting leave to file out of time and a 30-day extension until May 5, 2008, in which to file its response;

5. No previous extensions have been requested and/or granted;

6. The undersigned counsel for the government needs an extension of time in which to prepare the responses because the undersigned counsel had taken annual leave on March 28, 2008; served on a jury panel in the Circuit Court of Jackson County, Missouri from March 31, 2008, through April 1, 2008; has to prepare a response to a sentencing memorandum in *United States v. Megan L. Althaus*, Case No. 07-00046-05-CR-W-FJG; and needs additional time to determine whether a consolidated response can be prepared to address the defendants' motions seeking severance and separate trials, and to prepare such a response; and

7. Accordingly, the government is requesting a 30-day extension of time in which to file its responses in this case.

WHEREFORE, for these reasons, the government respectfully requests a 30-day extension of time up to and including May 5, 2008, in which to file the government's responses.

Respectfully submitted,

John F. Wood
United States Attorney

By:

/s/ Rudolph R. Rhodes, IV
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RRR:jf

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on April 4, 2008, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

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/s/ Rudolph R. Rhodes, IV

Rudolph R. Rhodes, IV
Assistant United States Attorney