

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA  
VS.  
RICHARD MICHAEL SIMKANIN

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§ NO. 4:03-CR-188-A  
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O R D E R

Came on for consideration the motion of defendant, RICHARD MICHAEL SIMKANIN, for leave to file pretrial motions one day late. Although the court would have been inclined to grant the motion, defendant has not lodged with the court any motions suitable for filing. Instead, defendant submitted a document titled "Defendant's List of Pretrial Motions," approximately one inch thick and containing miscellaneous items bound by Acco fastener at the top. Defendant should be well aware of the requirements for the filing of motions as that topic was discussed during a July 30, 2003, telephone conference and was made the subject of a July 30 order.<sup>1</sup> The court further notes that it is not sufficient for a certificate of conference to reflect that opposing counsel is still considering a particular matter. Nor should a motion be submitted if the matter is one that can be resolved, and has been resolved, by agreement with opposing counsel. Further, if an agreed order is to be presented

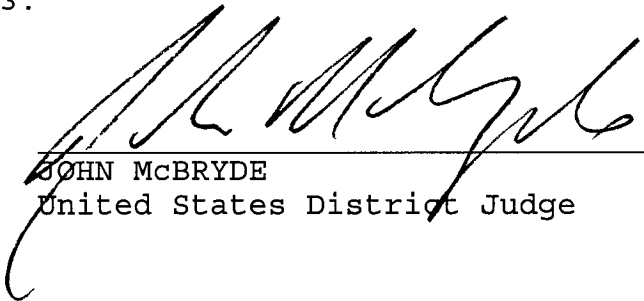
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<sup>1</sup> For example, the July 30 order reminded defendant that each motion must be accompanied by a supporting brief as required by LCrR 47.1(d), but none of the items included in the document submitted by defendant meets that requirement.

to the court, such order should bear the original signatures of counsel for each side.

The court ORDERS that defendant's unopposed motion for leave to file pretrial motions one day late be, and is hereby, denied as moot.

SIGNED September 4, 2003.



JOHN MCBRYDE  
United States District Judge