

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

MOTION OF AMICUS CURIAE TO ESTABLISH A BRIEFING SCHEDULE

On May 13, 2020, the Court issued an order appointing me as *amicus curiae* “to present arguments in opposition to the government’s Motion to Dismiss, ECF No. 198” ECF No. 205. The Court further directed me to “address whether the Court should issue an Order to Show Cause why Mr. Flynn should not be held in criminal contempt for perjury pursuant to 18 U.S.C. § 401, Federal Rule of Criminal Procedure 42, the Court’s inherent authority, and any other applicable statutes, rules, or controlling law.” *Id.*

Because the Court’s order and the government’s motion raise important and complex issues, I respectfully request permission to submit a brief on or before June 10, 2020, addressing three issues: (1) the legal framework applicable to the Court’s authority with respect to a motion to dismiss brought under Rule 48 of the Federal Rules of Criminal Procedure (including both the constitutional validity of the Court’s authority to deny such a motion and the standard to be applied in deciding one); (2) any additional factual development I may need before finalizing my argument in opposition to the government’s motion in this case; and (3) whether, based on the record before the Court, it should order the defendant to show cause why he should not be held in criminal contempt for perjury. I respectfully suggest that the Court set a schedule for

responses (by the government, the defendant, and any other *amici*) to my filing, a reply by me to those responses, and oral argument. Upon the resolution of the issues addressed by my brief or raised in response to it, a schedule for any remaining proceedings could be set.

Of course, I will proceed in whatever manner and on whatever timeline the Court directs, and I understand the need for an expeditious resolution of the issues identified in the Court's May 13 order.

A handwritten signature in black ink, appearing to read "John Gleeson", written over a horizontal line.

John Gleeson
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Court-appointed Amicus Curiae