

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ETHAN SEITZ,

Defendant.

Crim. Action No. 21CR279

**MOTION TO STAY SENTENCING HEARING PENDING SUPREME
COURT'S RESOLUTION OF *FISCHER v. UNITED STATES***

Ethan Seitz, through counsel, respectfully moves this Court to vacate the presently scheduled sentencing hearing of January 8, 2024, and stay the sentencing hearing until after the Supreme Court resolves *Fischer v. United States*, 64 F.4d 329 (D.C. Cir. 2023), which reversed a district court opinion holding that the actions of January 6 defendants do not qualify as conduct that fall within Section 1512(c)(2).

Mr. Seitz is pending sentencing after having been convicted by way of stipulated trial of one count of obstruction of justice, in violation of 18 USC § 1512(c)(2), and one misdemeanor count of entering and remaining in a restricted building, in violation 18 U.S.C. § 1752(a)(2)

This morning the Supreme Court granted certiorari in *Fischer v. United States*. Resolution of *Fischer* directly implicates the sole felony count for which Mr. Seitz will be sentenced.¹ Therefore, in the interests of judicial economy, Mr. Seitz moves the

¹ Mr. Seitz filed a motion to dismiss the obstruction count. ECF. No. 41. The record is preserved for appeal.

Court to stay sentencing until the Supreme Court has resolved the issues raised in *Fischer*.

For the reasons herein and any others that appear to this Court, Mr. Seitz moves the Court to stay his sentencing hearing until *Fischer* is resolved.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

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