

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

Case No. 1:23-cr-257-TSC

DONALD J. TRUMP,

Defendant.

**PRESIDENT DONALD J. TRUMP’S OPPOSED MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEFS**

President Donald J. Trump respectfully requests that the Court:

1. Briefly extend his deadlines to file replies in support of his pending motions to dismiss based on Constitutional (Doc. 113), statutory (Doc. 114), and selective prosecution (Doc. 116) grounds (collectively, the “Non-Immunity MTDs”) from November 16, 2023, to November 23, 2023; and
2. Extend his deadline to file replies in support of his pending motions to strike (Doc. 115) and stay (Doc. 128), by two days, to November 15, 2023.

In support, President Trump states as follows:

BACKGROUND

The Court previously set a deadline of October 23, 2023, for President Trump to file dispositive motions, including motions to dismiss. Doc. 82. In accordance with this deadline, President Trump timely filed his three Non-Immunity MTDs, which address numerous significant and complex legal issues. Additionally, President Trump has filed a motion to strike inflammatory allegations from the indictment (Doc. 115) and a motion to stay this case (Doc. 128) pending a resolution of his prior (and still pending) motion to dismiss based on Presidential immunity (Doc. 74).

On November 6, 2023, the prosecution filed its responses to these motions, including, with leave of Court, an oversized, 64-page omnibus response (Doc. 139) to President Trump's Constitutional and statutory motions to dismiss. President Trump's replies are currently due Monday, November 13, 2023 (for the motions to stay and strike) and Thursday, November 16, 2023 (for the Non-Immunity MTDs).

Simultaneously, President Trump has appealed this Court's order limiting President Trump's speech (Doc. 105). Following extensive briefing, the Court denied President Trump's motion to stay this order pending appeal (Doc. 124). Thereafter, President Trump sought an emergency stay in the D.C. Circuit. USCA Case. No. 23-3190, Doc. 2025149. The Circuit Court then entered an administrative stay, while ordering an expedited briefing schedule, requiring President Trump to file his opening brief on November 8, 2023, and his reply brief this coming Friday (November 17, 2023). (*Id.* at Doc. 2025399). Moreover, the Circuit Court scheduled oral argument for Monday, November 20, 2023.

Accordingly, President Trump faces deadlines for six briefs on dispositive and other crucially important issues this coming week. At the same time, President Trump's legal team must prepare for oral argument in the D.C. Circuit on an unprecedented First Amendment issue. President Trump seeks the requested extensions so that he may better balance these conflicting obligations, while also continuing his trial preparation work, which cannot stop given the enormity of discovery and the potential March 4, 2024, trial date.

DISCUSSION

Under Federal Rule of Criminal Procedure 45(b)(1), the Court may grant an extension for good cause shown at any time "before the originally prescribed or previously extended time expires." As the Court knows, President Trump and his counsel have worked diligently to comply

with the deadlines in this matter and apprise the Court of relevant legal authority and arguments so that Your Honor may make fully informed decisions. Indeed, President Trump has filed numerous substantive submissions nearly every week since this case began. The requested extensions will allow President Trump to focus on and complete each filing at a reasonable cadence, rather than all at once. The requested extensions will not cause any prejudice, as all filings will still be completed within 11 days or fewer and will not affect any other deadline. Likewise, as several significant, previously filed motions are fully briefed and currently awaiting determination, the requested extensions are unlikely to affect the Court's review process.

Therefore, President Trump respectfully requests the Court grant the requested extensions.

CERTIFICATE OF CONFERRAL

Counsel for President Trump conferred with counsel for the prosecution, who oppose the relief requested herein.

Dated: November 12, 2023

Respectfully submitted,

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