

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF

UNITED STATES OF AMERICA

v.

Cr. No. 08 -

**GOVERNMENT'S RESPONSE TO DEFENDANT
S'S NOTICE OF THE COURT'S ABANDONMENT**

The United States of America, by its undersigned attorneys, respectfully responds to defendant S's "Notice of the Court's Abandonment."

On July 24, 2008, defendant S filed a "Notice of the Court's Abandonment." No memorandum of law – or other explanatory document – accompanied said "Notice." The Notice was accompanied by several obviously fraudulent forms, including several purporting to be from the Internal Revenue Service. The government is not aware of any form or agreement like the document S filed. The document itself is nonsensical but, given the government's recent experience with similar filings, it appears to attempt to seek relief in one of three forms: (1) the dismissal of the instant indictment charging the defendant with conspiracy to distribute more than 50 grams of cocaine base ("crack cocaine") and related charges, (2) the elimination of the defendant's restitution obligations and/or (3) the right to make a "counter-claim" against the Court, the United States Attorney's Office, or their employees for damages. There is no basis to excuse the defendant of his criminal responsibility, or to grant any relief whatsoever, certainly none that is stated in the "Notice of the Court's Abandonment." Nor is there a basis on which the

defendant can claim that the Court, the United States Attorney's Office, or their employees owe him money, certainly none that is stated in the "Notice of the Court's Abandonment." To the extent that the "Notice of the Court's Abandonment" makes any intelligible claim for relief at all, which the government denies, there is no basis to support such a claim. Therefore, the government respectfully requests that the Court dismiss the "Notice of the Court's Abandonment."

The instant Motion/Notice was filed pro se. [redacted] has counsel in this matter, Attorney [redacted], who was appointed by the Magistrate Court at the request of [redacted]. The government has contacted Attorney [redacted] and he advises that he was unaware of the "Notice of the Court's Abandonment" filed by [redacted]. The government further requests that the Court direct [redacted] to file all future motions through his appointed counsel.

Respectfully submitted,

[redacted]
Acting United States Attorney

JOHN M. GAYNES
Assistant United States Attorney