

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-80103-CR-CANNON

UNITED STATES OF AMERICA

v.

DUSTIN SEAN MCCABE,

Defendant.

**UNOPPOSED MOTION TO CONTINUE RESPONSE DEADLINE BY TWO WEEKS
AS TO DEFENDANT’S MOTION FOR ACQUITTAL**

The United States of America, by and through the undersigned Special Assistant United States Attorney, respectfully files this Motion asking this Court to continue the United States’ response deadline to Defendant’s Rule 29 Motion for Judgement of Acquittal (the “JoA Motion,” ECF No. 95) by two weeks. In support of this Motion, the government states as follows:

1. The Defendant was convicted of all counts of the Indictment after a seven-day trial that concluded on March 4, 2025. *See* DE 83. The sentencing in this matter is now set for June 12, 2025, at 10:00 a.m. DE 86.

2. On March 18, 2025, the Defendant filed the JoA Motion, which effectively asks this Court to invalidate the jury’s unanimous verdict as to the Defendant’s guilt on all counts. *See* DE 95. The deadline for the Government’s response to the JoA Motion is April 1, 2025. *See* DE 95.

3. Through this Motion, the Government respectfully asks for a two-week continuance to the response deadline, with the new response deadline being April 15, 2025. Three considerations support this request. First, given the June 12 sentencing date, a two-week extension

to the Government's response time would leave this matter fully briefed well before the sentencing occurs in June. Second, other time-sensitive matters have interfered with the Government's attorneys' ability to complete the response. And third, schools and daycares have had "spring break" this week, and the Government's attorneys have taken vacation to accommodate that break. The Government respectfully submits that those factors give this Court good cause to grant the Motion in light of the defense's nonobjection.

4. This request is not made for purposes of delay or for any other improper purpose. Rather, the requested extension of time is short and is necessary for the due administration of justice.

5. The undersigned counsel has reached out to the Defense, and they do not oppose this relief.

WHEREFORE, the United States respectfully requests a fourteen-day extension to the deadline for filing its response to the Defendant's JoA Motion.

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

By: /s/ Tanner P. Stiehl
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CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that on March 26, 2025, I conferred with Terrence O’Sullivan and Calisha Francis, who indicated that the defense opposes this motion.

/s/ Tanner Stiehl

TANNER P. STIEHL

Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 26, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record.

By: /s/ Tanner Stiehl

Tanner Stiehl

Special Assistant United States Attorney