IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA v. DANIEL ERIC JAY (2) Defendant.	CRIMINAL ACTION FILE NO. 1:20-CR-228-MHC-JKL-2

ORDER

At approximately 6:53 p.m. on June 16, 2021, Defendant Daniel Jay, who is proceeding *pro se*, emailed chambers to request an additional, 90-day extension for filing pretrial motions and holding the pretrial conference. A copy of the email is attached hereto as Exhibit A. In his email, Mr. Jay states that he needs the additional time because he is the caregiver for his father, who days earlier was hospitalized for a left foot infection and remains there in anticipation of an amputation. Mr. Jay also states that he would like the Court to modify the conditions of his release to allow him to travel from Pennsylvania to Ohio for medical-related visits.

Counsel for the government and Mr. Jay's standby counsel were not copied on the email. The morning of June 17, 2021, chambers staff forwarded Mr. Jay's email to counsel for the government and Mr. Jay's standby counsel, and inquired

whether the government objected to Mr. Jay's request for an extension. Counsel for the government responded as follows:

> [This is] Defendant Jay's last-minute request to postpone the pretrial conference for a seventh time. Defendant Jay made his first appearance in this case 11 months ago. (Doc. 4). The pretrial conference was originally set for August 27, 2020. (Doc. 64). At Defendant Jay's request, the pretrial conference has already been continued six times. (*See* Docs. 67, 68, 109, 110, 132, 166, 182, 190).
>
> It is unfortunate that Defendant Jay's father has serious health problems. And it is laudable that Defendant Jay is taking time to care for his father. But the government respectfully believes that it is not unreasonable to expect Defendant Jay to set aside 30 minutes to appear by Zoom at the scheduled pretrial conference on Monday.
>
> As the Court will recall, Defendant Jay terminated his attorney approximately four months ago and began proceeding pro se, using a sovereign-citizen litigation strategy designed to create confusion and delay. (*See* Docs. 132, 162; *see also United States v. Perkins*, No. 1:10-CR-97-1-JEC-LTW, 2013 WL 3820716, at *1-2 (N.D. Ga. July 23, 2013) ("In the Northern District of Georgia and elsewhere, a new litigation strategy has become popular with some criminal defendants. . . . This strategy, based on the defendant's claim to be a 'sovereign citizen,' serves to delay the proceedings, create unnecessary work for the Court and counsel, and distract the Court from adjudication of the case on its merits.") (Carnes, J.), *aff'd*, 787 F.3d 1329 (11th Cir. 2015); *United States v. Sterling*, 738 F.3d 228, 233 n.1 (11th Cir. 2013) (noting that courts confronted by attempts of "so-called 'sovereign citizens' . . . to delay judicial proceedings and have summarily rejected their legal theories as frivolous").

(Cleaned up.)

The Court agrees with the government. When the Court granted Mr. Jay's previous request for a continuance on May 17, 2021, the Court explicitly warned

Mr. Jay that that it "**is not inclined to grant further extensions, absent very good cause shown**." [Doc. 190 at 2.] While the Court is sympathetic to Mr. Jay's situation as a caregiver for his father (and his father's unfortunate medical condition), the Court finds that he has not shown good cause (much less very good cause) to extend the pretrial deadlines further. Accordingly, Mr. Jay's request to continue the pretrial motions deadline and to further postpone the pretrial conference is **DENIED**.

With regard to Mr. Jay's request to amend the conditions of his bond, such a request is not properly presented via email. Instead, he must do so by written motion. *See* Fed. R. Crim. P. 47(b); LCrR 12.1(A), NDGa. If Mr. Jay wishes to persist in his request, he must file a written motion with the Clerk of Court.

Finally, the Court **ADMONISHES** Mr. Jay ***that all future requests for court action must be presented by written motion and filed with the Clerk of Court. The Court will not consider a motion unless it has been presented in writing***.

IT IS SO ORDERED this 17th day of June, 2021.

JOHN K. LARKINS III
United States Magistrate Judge

ATTACHMENT A

Cynthia Mercado

From: jayprivatetrust <jayprivatetrust@protonmail.com>
Sent: Wednesday, June 16, 2021 6:53 PM
To: Cynthia Mercado
Subject: Petition for Case 1:20-cr-00228-MHC-JKL

CAUTION - EXTERNAL:

Extraordinary Circumstances / Act Of GOD

I am not the name. I do not claim the name. I do not claim liability for the name. Coming as third party intervenor, real party in interest being harmed as agent for the name.

As this email is being composed, Elmer Stewart Jay, earthly father of the MAN known as :JAY, :daniel: Agent of Record for the Pennsylvania Registered Organization doing business as DANIEL ERIC JAY, is in surgery at UPMC Passavant Hospital in Pittsburgh, PA, to amputate his left foot. Elmer was taken to UPMC Jameson Hospital on the afternoon of Friday June 11, 2021 with what appeared to be an infection in his left foot. As the court has been made aware in multiple hearings on the record, the MAN known as :JAY, :daniel: Agent of Record for the Pennsylvania Registered Organization doing business as DANIEL ERIC JAY has served as 85 year old Elmer Jay's primary caretaker since September 2020. This changed domicile from Pittsburgh PA to Bessemer PA, approximately 60 miles north of Pittsburgh, PA.

This is a two issue petition to the court.

Due to Extraordinary Circumstances, an act of GOD, the MAN known as :JAY, :daniel: Agent of Record for the Pennsylvania Registered Organization

doing business as DANIEL ERIC JAY, petitions the court for an additional 90 days to be able to conduct focused primary care for Elmer Jay as well as prepare pre trial motions in advance of the pretrial hearing currently scheduled for June 21, 2021 at 9:30 AM, fully comprehending that in the order for a 30 day extension filed May 17, 2021 it was stated "The Court is not inclined to grant further extentions, absent very good cause shown"

Also, the MAN known as :JAY, :daniel: Agent of Record for the Pennsylvania Registered Organization doing business as DANIEL ERIC JAY, as part of Elmer's care will be required to travel to and from the state of Ohio (3 miles from Elmer Jay's residence) for both Elmer's trips to and from the rehab facility, and Elmer's outpatient Dr visits in Northeast Ohio. Asking the court to amend bond conditions for DANIEL ERIC JAY to be allowed to travel in and out of Ohio as to be able to provide the best possible care for Elmer. In a prior conversation, Pennsylvania Pre Trial services officer Pete Gawlinski, having traveled to the small country home of Elmer Jay, stated that it would not oppose the request to be able to travel in and out of Ohio rather than the 40 miles drive to Cranberry Township, PA where a lot of the shopping for Elmer Jay has been done since September. It is requested that the bond conditions for DANIEL ERIC JAY be amended to allow travel between Pennsylvania and Ohio.

For the court to verify this information regarding Elmer Stewart Jay, the contact number to UPMC Passavant nurses station is (412) 748-6763. Elmer is in room 6734 (as of the typing of this email, however he may be in ICU for a few days after surgery)

By:JAY, :daniel:

Agent of Record for the Pennsylvania Registered Organization doing business as DANIEL ERIC JAY

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.