

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 3:75-CR-26-F
No. 5:06-CV-24-F

UNITED STATES OF AMERICA)
)
 v.) RESPONSE TO MOVANT'S MOTION
) TO CONTINUE STATUS CONFERENCE
JEFFREY R. MacDONALD,)
) Movant)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby responds to the request of the movant Jeffrey R. MacDonald ("MacDonald") for continuance of the scheduled status conference in the above-captioned case, and shows unto the Court the following:

1. On April 19, 2011, the United States Court of Appeals for the Fourth Circuit remanded this matter to this Court. The mandate issued on June 13, 2011.
2. On June 23, 2011, this Court ordered that a status conference be held on July 28, 2011.
3. On July 15, 2011, MacDonald moved to continue the status conference "to resolve counsel issues" Motion at 1.
4. In the interest of comity, the Government does not object to giving MacDonald more time to re-structure his legal team.
5. However, the Government also believes that this matter needs to move forward without unnecessary delay. MacDonald is once

again asking the Court to consider evidence relating to a murder that occurred over 41 years ago. If there is evidence to be considered anew, the sooner it can practicably be put before the Court, the more likely that a just result will be reached in this proceeding and finality can be achieved in this case. Cf. United States v. MacDonald, 966 F.2d 854, 861 (4th Cir. 1992) (“ . . . [A]t some point we must accept this case as final.”)

6. Accordingly, the Government is not opposed to a continuance of the status conference for not more than 30 days. The Government respectfully requests that, if possible, the status conference not be scheduled on August 18-19 or September 6, 2011, due to personal plans of Government counsel.

Respectfully submitted, this 18th day of July, 2011.

THOMAS G. WALKER
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document upon the defendant in this action either electronically or by placing a copy of same in the United States mail, postage prepaid, and addressed to counsel for defendant as follows:

J. Hart Miles, Jr., Esq.
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This, the 18th day of July, 2011.

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