

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 05-20017-01-JWL

Fidencio Verdin-Garcia,

Defendant.

MEMORANDUM & ORDER

On March 1, 2021, the defendant filed a motion for compassionate release (doc. 460). The court established deadlines in connection with the motion and ordered the government to file its response by April 1, 2021. On March 31, 2021, the government filed a motion for additional time (doc. 474) to respond to the motion, citing the need to review the Tenth Circuit's opinion in *United States v. McGee*, 2021 WL 1168980, ___ F3d. ___ (10th Cir. Mar. 29, 2021) and to determine the impact of that opinion on its response. The government has asked for a one-month extension.

The motion is denied to the extent the government seeks a one-month extension. The court has reviewed the *McGee* decision as well as defendant's motion. There is no reason why the government reasonably would need an additional 30 days to formulate a response to the motion based on *McGee*. While the *McGee* decision addresses issues that are significant to compassionate release motions, those issues are not so difficult, particularly as they relate, if at all, to defendant's motion, as to require an additional 30 days to respond. The court will grant the motion to Wednesday, April 14, 2021.

IT IS THEREFORE ORDERED BY THE COURT THAT the government's motion for additional time (doc. 474) is **granted in part and denied in part**. The government shall file its response to the motion for compassionate release no later than **Wednesday, April 14, 2021**. Defendant may file any reply to the response on or before **Wednesday, May 12, 2021**.

IT IS SO ORDERED.

Dated this 2nd day of April, 2021, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge