

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 13-20772

Honorable Gershwin A. Drain

RASMIEH ODEH,

Defendant.

**ORDER GRANTING IN PART GOVERNMENT'S EX PARTE MOTION
FOR LEAVE TO FILE EXCESS PAGES [#214] AND STRIKING THE
GOVERNMENT'S MOTION FOR A DAUBERT HEARING [#215]**

Presently before the Court is the Government's Ex Parte Motion for Leave to File Excess Pages, filed on November 15, 2016. Specifically, the Government seeks leave to file a brief in excess of the twenty-five page limit set forth in Local Rule 7.1(d)(3).

Also, on November 15, 2016, the Government filed its Motion for a *Daubert* Hearing, to Preclude the Testimony of Mary Fabri, and to Reenter Judgment of Conviction, and Brief in Support. *See* Dkt. No. 215. A review of the Government's Brief in Support of a *Daubert* Hearing reveals that the Government has filed a brief that is more than twice the length than that permitted by Local

Rule 7.1(d)(3).

Upon review of the Government's Ex Parte Motion for Leave to File Excess Pages, the Court finds that the Government has failed to establish good cause for granting its requested relief. Therefore, the Court will strike the Government's Motion for a *Daubert* Hearing, to Preclude the Testimony of Mary Fabri, and to Reenter Judgment of Conviction, and Brief in Support. However, the Court will allow the Government to re-file a brief that is thirty-five (35) pages in length or less. The Government is advised that the re-submitted brief's font size must comply with Local Rule 5.1(a)(3). *See* E.D. Mich. L.R. 5.1(a)(3) (requiring type size of all text and footnotes "be no smaller than 10-1-2 characters per inch (non-proportional) or 14 point (proportional)."). Nor should the re-submitted brief contain an inordinate amount of lengthy footnotes.

Accordingly, the Government's Ex Parte Motion for Leave to File Excess Pages [#214] is GRANTED IN PART.

The Government's Motion for a *Daubert* Hearing, to Preclude the Testimony of Mary Fabri, and to Reenter Judgment of Conviction, and Brief in Support [#215] is HEREBY STRICKEN.

The Government shall re-file its Motion for a *Daubert* Hearing, to Preclude the Testimony of Mary Fabri, and to Reenter Judgment of Conviction, and Brief in Support, which shall not exceed thirty-five (35) pages in length, no later than

Thursday, November 17, 2016, at noon.

SO ORDERED.

Dated: November 18, 2016

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge