

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)
Appellee)

v.)

JOHN BAPTIST KOTMAIR, JR.,)
and SAVE-A-PATRIOT FELLOWSHIP,)
Appellants)

Appellate No. **07-1156**

District No. **WMN-05-cv-1297**

**Defendant/Appellant SAPF's Motion for Leave
to Submit Separate Formal Brief and
Request for Modification of Scheduling Order**

COMES NOW Defendant/Appellant Save-A-Patriot Fellowship (SAPF), through undersigned counsel, and moves this Court to grant leave to SAPF to file a separate formal brief, and to reset the scheduling order for brief submission for all parties.

This motion is made pursuant to Local Rule 34(b), which states in relevant part: "Once an informal briefing schedule has been established the parties may file a formal brief only with the permission of the Court."

This Court has already issued a briefing schedule contingent upon both parties appellant — John Baptist Kotmair, Jr., *pro se*, and SAPF — filing one informal brief, as is the clerk's procedure when one party is a *pro se* litigant.

During the course of the case in the district court, Defendant Kotmair proceeded on a *pro se* basis, and mover is informed that he intends to appeal on issues pertaining to him.

WHEREFORE, Appellant SAPF prays that this Court grant leave to SAPF to submit a separate and formal brief; and that this Court issue a new scheduling order within which to submit said formal brief, and subsequent briefs, to accommodate all parties.

Dated this 9th day of March, 2007.


GEORGE E. HARP

610 Marshall St., Ste. 619
Shreveport, LA 71101
(318) 424-2003

Attorney for Save-A-Patriot Fellowship

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a printed copy of the Appellant Save-A-Patriot Fellowship's "Defendant/Appellant SAPF's Motion for Leave to Submit Separate Formal Brief and Request for Modification of Scheduling Order" was sent to counsel for the Appellee, Carol A. Barthell, Attorney, Appellate Section, U.S. Department of Justice, Post Office Box 502, Washington, DC, 20044; and

Defendant/Appellant John B. Kotmair, Jr., Post Office Box 91, Westminster, MD
21158, by first class U.S. Mail with sufficient postage affixed this 9th day of
March, 2007.



GEORGE E. HARP