

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA            )  
  )  
v.    )  
  )  
QUINTON T. ROSS, JR.                    )  
  )

CR. NO. 2:10cr186-MHT

**MOTION FOR LEAVE TO FILE OUT-OF-TIME**

Quinton T. Ross, Jr., respectfully moves the Court to allow him to file his Memorandum of Law in Support of His Motion to Sever out-of-time. In support, Senator Ross offers the following:

1. By Order entered February 7, 2011, this Court set various motions to sever, including the motion filed by Senator Ross (doc. No. 504), “for submission, without oral argument, on February 16, 2011, with all briefs due by said date.” (Doc. No. 508)
2. Undersigned counsel filed the Memorandum of Law in support of Senator Ross’ motion to sever using the CM/ECF system at 12:22 a.m. on February 17, 2011, twenty-two (or twenty-three) minutes past the February 16, 2011 deadline. This was notwithstanding reasonable diligence on the part of the undersigned counsel for Senator Ross.
3. Upon information and belief, the CM/ECF system served the pleading on all counsel of record almost simultaneously upon filing.<sup>1</sup>
4. Given the *de minimis* delay past the deadline in filing this pleading, the Government will not be prejudiced in any way by an order granting the requested relief.

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<sup>1</sup> Undersigned counsel received his CM/ECF notification e-mail serving the pleading at 12:24 a.m.

Nor (despite counsel's regrettable filing after the appointed time) will the Court be delayed in addressing and ruling upon defendant Ross' motion to sever.

WHEREFORE, PREMISES CONSIDERED, Quinton T. Ross, Jr., respectfully requests that his motion be granted, and that an order be entered granting him leave to file his Memorandum of Law in Support of His Motion to Sever out-of-time and treating it as having been timely filed.

Respectfully submitted,

H. LEWIS GILLIS (GIL001)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of February, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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