

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

United States of America,

Plaintiff,

v.

Case No. 06-20099-02-JWL

William Morrison,

Defendant.

MEMORANDUM AND ORDER

On December 15, 2023, defendant filed a pro se motion for early termination of supervised release (doc. 296). The court ordered the government to respond to the motion on or before December 29, 2023. That deadline passed and the government did not file a response. The court then issued a Notice and Order to Show Cause to the government—directing the government to explain why it had not responded to the motion and to file a substantive response to defendant’s motion. The government has now timely filed a response to the show cause order and has filed its response to defendant’s motion.

In response to the court’s order, the government asserts that counsel inadvertently failed to set a reminder concerning the response deadline in the midst of other business and then was out of the office for two weeks. The government has not established good cause and the court will consider the merits of defendant’s motion without reference to the government’s substantive response to the motion for early termination. *See Putnam v. Morris*, 833 F.2d 903, 905 (10th Cir. 1987) (inadvertence or mistake of counsel usually does not suffice to establish good cause).

Nonetheless, because the court has independent notice of facts set forth in the government's response (the United States Probation Office has provided the court with a Form 12A Report on Offender under Supervision indicating defendant's non-compliance with Special Condition #3), the court will provide defendant an opportunity to reply by January 23, 2024 to that aspect of the government's response that addresses defendant's noncompliance and the assertion that the Probation Office no longer supports defendant's request for early termination.

IT IS THEREFORE ORDERED BY THE COURT THAT defendant may file a reply to the government's response as indicated above on or before **Tuesday, January 23, 2024.**

IT IS SO ORDERED.

Dated this 9th day of January, 2024, at Kansas City, Kansas.

s/John W. Lungstrum
HON. JOHN W. LUNGSTRUM
United States District Judge