

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 21-10073-EFM

MICHAEL R. CAPPS,

Defendant.

ORDER

This matter comes before the Court on Defendant Capps's Emergency Motion for Reconsideration of Order Denying Compassionate Release (Doc. 263). The Court entered an Order denying Defendant's request after the Government filed a response. Defendant contends that he was not allowed time to respond to the Government's motion and would have addressed several of the Government's arguments in his reply. He requests that the Court vacate its order, allow him time to file a reply, and reconsideration after full briefing.

The Court grants in part and denies in part Defendant's request. The Court will not vacate its previous Order but will stay it. The Court will also allow Defendant time to file a reply on or by February 26, 2025. After considering Defendant's reply, the Court will reconsider whether Defendant's response adequately addresses the Government's response.

IT IS THEREFORE ORDERED that Defendant's Motion for Reconsideration (Doc. 263) is **GRANTED IN PART** and **DENIED IN PART**. The Court stays its February 14 Order, and Defendant may file a reply on or by February 26, 2025.

IT IS SO ORDERED.

Dated this 18th day of February, 2025.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
CHIEF UNITED STATES DISTRICT JUDGE