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February 2, 2017

Via fax only to 613-4055

Honorable Charles J. Siragusa
United States District Judge
2310 United States Courthouse
100 State Street
Rochester, New York 14614

RECEIVED

FEB 02 2017

Re: *United States v. Richard Petix*
15-cr-227-CJS-HBS

CHARLES J. SIRAGUSA
United States District Judge
Western District of New York

Dear Judge Siragusa:

Please accept my apologies for not being in contact with the court concerning our response to the Government's objections to the magistrates report and recommendation. I have been on two trials in a row beginning on January 17, 2017. The second trial started last Wednesday, January 25, 2017 - an attempted murder trial before Judge Dinolofo in County Court. This trial should end on Friday, February 3, 2017. Mr. Leonardo and I would still like to submit a response. And we are asking the Court to allow us until Monday, February 6, 2017 to do so.

As always, thank you for your courtesy and consideration of this request

Very truly yours,

s/ Matthew Lembke

Matthew R. Lembke

MRL/eah

pc: Wei Xiang, Esq. AUSA [via email]
Stephen M. Leonardo, Esq. [via email]

IT IS SO ORDERED.

DATED: 2/2/17 */s/ Charles J. Siragusa*
CHARLES J. SIRAGUSA
United States District Judge