

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP WEBB,

Defendant.

No. 12-30268-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Webb's April 16, 2013 motion to suppress identification evidence (Doc. 31). On September 6, 2012, Magistrate Judge Donald G. Wilkerson entered the Order For Pre-Trial Discover And Motion Practice (Doc. 12). That Order requires all suppression motions to be filed within twenty-one days of the arraignment.¹ Web was arraigned on September 6, 2012 on the original indictment (Doc. 9) and arraigned on February 7, 2013 on the superseding indictment on February 7, 2013 (Doc. 28). This motion was not filed until April 16, 2013. Clearly, this motion is untimely. Further, Webb has not sought leave to file the motion to suppress out of time. Moreover, Webb filed three motions to continue in this case and none of them mentioned the need for

¹Paragraph 5 of the Order states in part: "If a party desires to file any other motion, **including a motion to dismiss the indictment or a motion to suppress**, the motion shall be filed within **21 days** of the arraignment and supported by a memorandum of law." (Doc. 12, p. 2)(emphasis in original).

additional time to file such a motion. See Docs. 19, 21 & 29. Accordingly, the Court **STRIKES as untimely** Webb's motion (Doc. 31). The Court **REMINDS** the parties that this matter is set for jury trial on June 3, 2013 at 9:00 a.m.

IT IS SO ORDERED.

Signed this 17th day of April, 2013.

David R. Herndon



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David R. Herndon
Date: 2013.04.17
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**Chief Judge
United States District Court**