

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
PLAINTIFF,)	
)	
v.)	NO: <u>1:09-cr-10005-JDB</u>
)	
)	
MATTHEW GLENN THOMAS)	
)	
)	
DEFENDANT.)	

**ORDER DENYING DEFENDANT MATTHEW GLENN THOMAS'
MOTION FOR RELEASE OF BRADY MATERIALS**

Before the Court is Defendant Matthew Glenn Thomas' Motion for Release of Brady Materials (Doc. 24). The Local Rules of the United States District Court for the Western District of Tennessee ("Local Rules") require that a "certificate counsel affirming that, after consultation between prosecution and defense counsel, they are unable to reach an accord as to the action requested by the motion" accompany all non-substantive motions, including discovery motions. LCrR 12.1, Local Rules. Further, "[f]ailure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." *Id.*

As defense counsel is certainly aware, attorneys should diligently attempt to resolve discovery disputes informally. The Court requires certificates of consultation to ensure that there is a real dispute that cannot be resolved by the parties. Otherwise, judicial resources are wasted ruling on motions that are, or could be, moot. In the event that the Government has not satisfied

its Brady obligations, Defendant can re-file this Motion, after attempting to resolve them with opposing counsel and complying with Local Rule 12.1.

Because this Motion is procedurally defective, Defendant's Motion for Release of Brady Materials is hereby DENIED without prejudice.

IT IS SO ORDERED this 17th day of June, 2009.

s/ Edward G. Bryant

EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE