

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.)
)
OMAR ABDI JAMAL,)
)
 Defendant.)

No. 03-20104 BV

ORDER GRANTING DEFENDANT'S MOTION FOR BILL OF PARTICULARS WITH
RESPECT TO COUNTS 4, 5, AND 6

Defendant Omar Abdi Jamal has been charged in a six count indictment with allegedly making false statements in connection with his application for asylum in violation of 18 U.S.C. § 1546, 18 U.S.C. § 1001, and 18 U.S.C. § 2. On January 23, 2004, Jamal, by and through his attorney, filed a motion for a bill of particulars with respect to Counts 4, 5, and 6 of his indictment. The motion was referred to the United States Magistrate Judge for a determination.

Pursuant to Local Criminal Rule 12.1, responses to motions are required to be filed within eleven days of the service of the motion if a party opposes the motion. The government has failed to respond to the defendant's motion for a bill of particulars and the time for response has expired. Local Rule 12.1 further provides

that "[f]ailure to file a response will constitute a waiver of any objections which the party may have to a motion."

In the absence of any response by the government, it is assumed that the government has no opposition to the motion and any objections it might have had to the motion are waived. Accordingly, the defendant's motion for a bill of particulars with respect to Counts 4, 5, and 6 of the indictment is granted.

IT IS SO ORDERED this 11th day of February, 2004.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

—