

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN KEITH SMALL,

Defendant.

ORDER

14-cr-18-bbc

Still to be decided in this case is a motion by Paul Schlieve for the return of certain materials in which Schlieve claims an interest. The government has advised the court, claimant and his counsel, Mark Ruppelt, that the materials are available for review in the United States Attorney's office.

When it appeared that the matter could not be resolved by Mr. Ruppelt's review of the materials, I scheduled a hearing to be held on April 1, 2015. The government has now advised the court that its counsel has an oral argument scheduled for that day before the Court of Appeals for the Seventh Circuit. I have no objection to rescheduling the matter, but I see no reason to wait until June to hold it. Mr. Ruppelt says he needs to conduct discovery and suggests that Mr. Schlieve wishes to be present at an evidentiary hearing to review the materials, but has not identified why that might be necessary. Neither has he explained how Mr. Schlieve's presence in this district would be accomplished. If he believes

that this court has the authority to order the United States government to bring Mr. Schlieve to this district for the purpose of reviewing documents or establishing his right to possession of any document, he should identify the authority.

In the meantime, Mr. Ruppelt is to undertake a prompt review of the materials at the United States Attorney's office and thereafter meet with either Assistant United States Attorney Munish Sharda or Assistant United States Attorney Timothy O'Shea or both to determine which if any documents are in dispute and, on behalf of his clients, take possession of all undisputed documents and agreed-upon redacted items. If he disagrees with the Assistant United States Attorneys about any documents or other items, he may have until April 15, 2015 in which to advise the court of the disputes.

ORDER

IT IS ORDERED that no later than April 15, 2015, counsel for claimant Paul Schlieve is to report to the court on the results of his review of the materials being held by the United States Attorney, identifying what disputes over ownership remain, if any, and whether any court action is necessary. If disputes do remain, the government may have until

April 29, 2015, in which to respond; claimant may have until May 6, 2015, in which to reply.

Entered this 26th day of March, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge