

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 10-034
v.	*	SECTION: "N"(5)
ASHTON R. O'DWYER, JR.	*	
	*	*
	*	*

**GOVERNMENT'S UNOPPOSED MOTION TO WITHDRAW REQUEST
FOR PRETRIAL PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATION**

NOW INTO COURT, comes the United States of America, through the undersigned Assistant United States Attorney, who respectfully requests to withdraw its request to have defendant undergo psychiatric and psychological examination. In support of this motion, the government states as follows:

On January 29, 2010, defendant Ashton R. O'Dwyer, Jr. was arrested pursuant to a criminal complaint charging him with sending a threatening communication, in violation of with Title 18, United States Code, Section 875. Subsequent to a detention hearing on February 1, 2010, United States Magistrate Judge Louis Moore, Jr. ordered O'Dwyer detained. On February 5, 2010, a federal grand jury returned a one-count felony indictment charging O'Dwyer with violating Title 18, United States Code, Section 875, threatening interstate communications.

On February 1, 2010, a detention hearing was held before United States Magistrate Judge Louis Moore, Jr. Thereafter, on March 5, 2010, United Magistrate Judge Karen Hayes presided over a hearing on defendant's motion to appeal the detention order. At that hearing, Drs. Marc Zimmerman and Harmindier Mallik testified on defendant's behalf. In view of their testimony regarding defendant's mental health, the government moves to withdraw its pending motion for pretrial psychiatric and psychological examination.

Virginia Schlueter, stand-by counsel for defendant Ashton O'Dwyer, has no objection to this request.

For the foregoing reasons, the government respectfully requests that its Motion to Withdraw Request for Pretrial Psychiatric and Psychological Examination be granted.

Respectfully submitted,

JIM LETTEN
UNITED STATES ATTORNEY

s/Gregory M. Kennedy
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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2010, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to Cynthia Cimino and Virginia L. Schlueter, court-appointed stand-by counsel for defendant Ashton R. O'Dwyer, Jr. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participant: **Ashton R. O'Dwyer, Jr.**

s/Gregory M. Kennedy
GREGORY M. KENNEDY
Assistant United States Attorney

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* * *

ORDER

Considering the foregoing Unopposed Motion to Withdraw Request for Pretrial Psychiatric and Psychological Examination of the defendant, Ashton R. O'Dwyer, Jr.;

IT IS HEREBY ORDERED that the government's motion be and is hereby withdrawn.

New Orleans, Louisiana, this _____ day of _____, 2010.

UNITED STATES MAGISTRATE JUDGE