

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-3079

September Term, 2021

1:05-cr-00143-RJL-1

Filed On: November 22, 2021

United States of America,

Appellee

v.

Robert Frank Miller, also known as Robert  
Franklin Miller,

Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BEFORE: Millett, Wilkins, and Jackson, Circuit Judges

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and fact submitted by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. Upon consideration of the foregoing, the motion for leave to file appellant's opening memorandum of law and fact, and the motion for leave to file the reply and to supplement the appendix, it is

**ORDERED** that the motion for leave to file appellant's opening memorandum of law and fact be granted. The Clerk is directed to file the lodged opening memorandum of law and fact. The court grants the motion because the government has already responded to the arguments presented in the opening memorandum, and accepting the opening memorandum will conserve governmental and judicial resources. It is

**FURTHER ORDERED** that the motion for leave to file the reply and to supplement the appendix be denied. Appellant has lodged a 93-page, single-spaced reply, which greatly exceeds the applicable length limitations. See Fed. R. App. P. 27(d)(2); D.C. Cir. Rule 9(b) (2,600 words if produced using a computer, 10 pages if handwritten or typewritten). Moreover, the reply primarily consists of new or conclusory arguments. See Am. Wildlands v. Kempthorne, 530 F.3d 991, 1001 (D.C. Cir. 2008) (arguments raised for the first time in reply are deemed forfeited); SEC v. Banner Fund Int'l, 211 F.3d 602, 613 (D.C. Cir. 2000) (the court may disregard "asserted but

**APPENDIX E****United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**No. 20-3079****September Term, 2021****1:05-cr-00143-RJL-1****Filed On: January 13, 2022**

United States of America,

Appellee

v.

Robert Frank Miller, also known as Robert  
Franklin Miller,

Appellant

**ORDER**

Upon consideration of appellant's motion for leave to file petition for rehearing and rehearing en banc, which the court construes as a motion for extension of time to file a petition for rehearing and rehearing en banc, it is

**ORDERED** that any petition for rehearing and rehearing en banc is now due on or before March 14, 2022. Appellant is reminded that any petition may not exceed 3,900 words if produced using a computer, or 15 pages if handwritten or typewritten. See Fed. R. App. P. 35(b)(2-3); D.C. Cir. Rule 35(b).

The Clerk is directed to send a copy of this order to appellant by whatever means necessary to ensure receipt.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk