

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

UNITED STATES OF AMERICA,)	
)	
Appellant,)	
)	
v.)	Case No. 12-2578
)	
MASK OF KA-NEFER-NEFER,)	
et al.,)	
)	
Appellees.)	

SECOND STATUS REPORT OF APPELLANT THE UNITED STATES OF AMERICA PURSUANT TO ORDER DATED OCTOBER 12, 2012

COMES NOW the United States, by and through its attorneys Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran, Assistant United States Attorney for said District, and provides a status report regarding the progress of settlement discussions between the parties.

1. On October 18, 2012, this Court granted the United States’ motion to hold the briefing schedule in abeyance pending the resolution of settlement discussions between the parties and ordered the United States to file a report on the status of any settlement discussions on or before January 17, 2013.

2. The United States filed such a report on January 17, 2013 and requested that the briefing schedule continue to be held in abeyance while settlement discussions continued or were concluded. Pursuant to that report, on January 22, 2013, the Clerk of

Court issued a letter to the United States requesting that the United States file its next status report on or before April 17, 2013.

3. In the interim between the United States' last status report and the present date, the parties have continued to confer in good faith in an attempt to reach an amicable resolution of this case. Unfortunately, the parties' attempts have so far been unsuccessful, and the United States no longer believes that a nonjudicial resolution of this case is likely in the foreseeable future.

4. As such, the United States submits that there is no longer just cause for the briefing schedule to be held in abeyance and respectfully requests that the Clerk of Court set a briefing schedule in the case, with the United States' opening brief to be filed no sooner than four (4) weeks and no later than six (6) weeks from the present date.

5. Prior to filing the instant status report, the United States conferred with counsel for Appellee regarding the matters contained herein, and Appellee's counsel informed the United States that Appellee has no objection to the briefing schedule being set as requested herein.

WHEREFORE the United States respectfully prays that the Clerk set a briefing schedule in this case, with the United States' opening brief to be filed no sooner than four (4) weeks and no later than six (6) weeks from the present date, and for such other and further relief as the Court deems just and proper.

Dated: April 17, 2013

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Richard E. Finneran
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 17, 2013, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Richard E. Finneran
RICHARD E. FINNERAN, #60768
Assistant United States Attorney