

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	No. CR-H-05-286
)	
)	
CHRISTOPHER CALGER,)	
)	
Defendant.)	

**AGREED MOTION FOR
WITHDRAWAL OF GUILTY PLEA AND DISMISSAL**

In light of the recent Fifth Circuit decision, United States v. Brown, 459 F.3d 509 (5th Cir. 2006), the United States of America, by and through its undersigned attorney, respectfully files this motion requesting that the Court grant: (i) Christopher Calger’s prior motion to withdraw his plea of guilty (Docket Entry 25); and (ii) leave of the Court, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, to dismiss without prejudice the information pending in this case against Christopher Calger.

The Order for Dismissal is attached hereto.

The United States has, in accordance with Criminal Local Rule 12.2, conferred with defense counsel of record about the foregoing Motion, and defense counsel has no objection.

Respectfully submitted,

STEVEN A. TYRRELL
Chief, Fraud Section
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BY:

/s/ Jonathan E. Lopez

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March 2007, I caused a true and correct copy of the foregoing filing to be served via electronic and United States mail upon the following persons of record:

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