

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 1:14-cr-203-TWP-TAB
DUANE LAMAR MCPHAUL,)	
)	
Defendant.)	

SCHEDULING ORDER ON MOTION TO SUPPRESS

This matter is before the Court on Defendant Duane Lamar McPhaul’s (“Mr. McPhaul”) Motion to Suppress ([Filing No. 40](#)) and request for a hearing. Mr. McPhaul has failed to submit a brief or memorandum in support of his Motion to Suppress, therefore the Court cannot determine whether an evidentiary hearing is warranted. In a criminal case, “a district court does not have to hold an evidentiary hearing on a motion just because a party asks for one”. See *United States v. Sophie*, 900 F.2d 1064, 1071 (7th Cir. 1990). “District courts are required to conduct evidentiary hearings only when a substantial claim is presented and there are disputed issues of material fact that will affect the outcome of the motion.” *United States v. Curlin*, 638 F.3d 562, 564 (7th Cir. 2011).

Accordingly, Defendant shall file his brief or memorandum of law in support of his Motion to Suppress by **April 10, 2015**. The Government shall file its response by **May 1, 2015**. Thereafter, the Court will determine whether the record before it requires an evidentiary hearing.

The final pretrial remains set for July 8, 2015 at 1:30 p.m. and the jury trial the remains set to commence on July 27, 2015 at 9:00 a.m. at the Indianapolis Courthouse.

SO ORDERED.

Date: 3/25/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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