



4. Finally, the relationship between the judiciary and the executive branch as part of the same government is not sufficient raise any genuine of recusal. See 28 U.S.C. § 455 (requiring recusal only where “impartiality might reasonably be questioned” and other circumstances not relevant here).
5. To the extent the defendants’ motion seeks dismissal, it is not timely. See Local Criminal Rule 12.1(b) (requiring that dismissal motions be filed no later than 21 days before trial.)

For the above-mentioned reasons, the United States respectfully requests that the defendants’ motion be denied.

Dated: January 7, 2006

Respectfully submitted,

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Certificate of Service

I hereby certify that a copy of the foregoing was forwarded this date by overnight delivery (Saturday service) to Elaine Brown and Edward Brown, defendants, 401 Center of Town Road, Plainfield, New Hampshire 03781.

/s/William E. Morse