

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

WAYDE MCKELVY,

Defendant.

CRIMINAL ACTION
NO. 15-398-3

ORDER

AND NOW, this 18th day of December 2017, upon consideration of Defendant's Motion to Dismiss Counts 1-9 and Motion to Strike Count 10 of the Indictment, for Failure to State an Offense (Doc. No. 111), Defendant's Proposed Findings of Fact and Conclusions of Law in Support of Defendant's Motion to Dismiss Counts 1-9 of the Indictment, for Failure to State an Offense and in Support of Motion to Strike Parts of Count 10 (Doc. No. 114), the Government's Response to Defendant Wayde McKelvy's Motion to Dismiss Counts One Through Nine and to Strike Count Ten of the Indictment (Doc. No. 115), Defendant's Memorandum in Reply to the Government's Response to McKelvy's Motion to Dismiss Counts 1-9 of the Indictment, and to Strike Part of Count 10, for a Failure to State an Offense (Doc. No. 126), the arguments of counsel for the parties at the hearing held on September 12, 2017, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that Defendant's Motion (Doc. No. 111) is **DENIED**.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.