

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
vs. )  
 )  
ADRIAN SILVA-SAENZ, )  
Defendant. )

No. 04-20111-01-KHV

**ORDER**

This matter comes before the court on the motion of the United States (doc. 87) to continue the trial of this matter and for the designation of excludable time under 18 U.S.C. § 3161(h)(3)(A). For good cause shown, the motion is sustained substantially for the reasons stated in the government's motion.

IT IS THEREFORE ORDERED that the trial of this matter is continued from July 5, 2005, to October 4, 2005, at 9:30 a.m.

IT IS FURTHER ORDERED that, under 18 U.S.C. § 3161(h)(3)(A), the period of delay resulting from the refusal of Mr. Manuel Segura-Ramirez to testify is excluded in computing the time within which the trial herein must commence. The court finds that Mr. Segura-Ramirez is an essential witness in this case, and that he is presently unavailable as a witness because he refuses to testify. This period of exclusion based upon his refusal to testify commenced on March 23, 2005, and will continue until he complies with the order of this Court that he testify.

IT IS SO ORDERED.

The clerk is directed to transmit copies or notices of this order to counsel of record, including counsel for Mr. Segura-Ramirez.

Dated June 29, 2005, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
UNITED STATES DISTRICT JUDGE