

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-40073-01-RDR
)	
LONG TIEN DANG,)	
)	
Defendant.)	
_____)	

ORDER

NOW on this 7th day of February, 2012, the above-entitled matter comes before the Court upon the motion of counsel for the accused, Long Tien Dang, for an order granting three (3) days' additional time from February 6, 2012, to file motions herein. The Court, after reviewing the motion and being fully advised in the premises finds that there exists good cause for the motion, and that the motion should therefore be sustained.

The Court finds that additional time is needed because defense counsel has been out of the office a fairly significant amount of time due to his wife's recent back surgery. He has also been assigned a number of cases out of Kansas City due to the retirement of an Assistant Federal Public Defender in that office, and has had to travel back and forth to attend court hearings and confer with clients there and at CCA Leavenworth.

The Court further finds that the prosecutor has no objection to the motion.

The Court further finds that failure to grant the extension would result in a miscarriage of justice and deny the defendant due process.

The Court finds that the period of delay resulting from the additional time granted pursuant to this Order shall be excludable time as provided for in 18 U.S.C. 3161(h)(7) in that the ends of justice served by the granting of such motion outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that the accused, Long Tien Dang, shall have additional time up to and including February 27, 2012 to file motions in the above-entitled action, and the government shall have until March 8, 2012 to file responses. The hearing on said motions is hereby rescheduled to March 16, 2012 at 9:30 a.m. The period of delay resulting from such continuance shall be excludable time as provided for by the Speedy Trial Act, 18 U.S.C. 3161(h)(7).

s/Richard D. Rogers
United States District Judge