

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 09-40058-01-RDR

GUADALUPE ARMENDARIZ,

Defendant.

ORDER

This case is now before the court upon the motion of defendant, Guadalupe Armendariz, to continue his sentence hearing, (Doc. 71). The attorney for the government objects. The defendant requests a continuance of the sentence hearing scheduled for January 10, 2011 for a date in the first week in April, 2011.

Counsel for defendant in his motion states to the court that it is necessary to continue the sentencing hearing because defendant's wife is pregnant and is being treated for gestational diabetes, a condition that has the potential to adversely affect the health of the unborn child; that defendant's wife does not speak or understand English and has no relatives in the area to assist her in defendant's absence; that the child is due February 25, 2011 and is healthy, however the doctor advises the child may be born prematurely; and that defendant must postpone his sentencing to allow him to provide support and care for his wife during the remaining term of the pregnancy and immediately following the birth of his child.

The court finds that defendant has clearly shown that there are exceptional reasons why sentencing defendant as scheduled on January 10, 2011 would not be appropriate.

Continuing the sentencing will not prejudice the parties herein and does not violate the requirement that sentence be imposed without unnecessary delay pursuant to Fed. Rules Crim. Pro. Rule 32(b)(1). Upon review, the motion shall be granted.

The date for defendant's sentencing is continued to April 8, 2011 at 10:00 a.m.

IT IS SO ORDERED.

Dated this 7th day of January, 2011.

s/Richard D. Rogers
United States District Judge