

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 10-40021-01-RDR

DUSTIN R. MENDEZ,

Defendant.

O R D E R

This matter is presently before the court upon defendant's motion to continue. The defendant seeks an extension of the deadline for filing pretrial motions. He contends that an extension is necessary because his counsel has not had adequate time to review the discovery provided by the government. The defendant notes that the government has no objection to this motion. Having carefully reviewed the motion, the court is now prepared to rule.

The defendant's counsel was only recently appointed in this matter. The court is aware that the discovery in this case is voluminous. For the reasons stated, the court shall grant the defendant's motion. The defendant shall have until October 20, 2010 in which to file pretrial motions. The government shall have until November 1, 2010 in which to file responses. The hearing on all pretrial matters shall be held on November 12, 2010 at 10:00 a.m.

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

IT IS THEREFORE ORDERED that defendant's motion to continue (Doc. # 44) be hereby granted. The defendant shall have until October 20, 2010 in which to file pretrial motions. The government shall have until November 1, 2010 in which to file responses. The hearing on all pretrial matters shall be held on November 12, 2010 at 10:00 a.m. The period of delay resulting from this extension shall be excludable under 18 U.S.C. § 3161(h)(7).

IT IS SO ORDERED.

Dated this 5th day of October, 2010 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge