

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.) Case No. 10-40069-01-RDR
)
)
) DANA L. HERNANDEZ,)
)
) Defendant.)
)
 _____)

ORDER

NOW on this 13th day of October, 2010, the above-entitled matter comes before the Court upon the motion of counsel for the accused for an order granting additional time of one (1) week 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 counsel for the accused requires the extra time to effectively research and finalize preparation of motions. 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 further finds that the period of delay resulting from the continuance 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 continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that the accused have additional time up to and including October 19, 2010 to file motions in the above-entitled action, and the government shall have until October 29, 2010 to file responses. The motions hearing is hereby rescheduled to November 10, 2010 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