

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 10-40114-01/02-RDR
	)	
<b>JUAN ROMAN and</b>	)	
<b>JOHNNY RODRIGUEZ,</b>	)	
a/k/a/ Jose Ortiz-Margary,	)	
	)	
Defendants.	)	

**ORDER TO EXTEND RESPONSE DEADLINE  
AND CONTINUE MOTION HEARING**

The matter comes before the court on the motion of the government (Doc. 38) to extend the response deadline in this case from April 21, 2011, to and including May 5, 2011, and to continue the Motions Hearing from April 29, 2011, to a date to be determined by the Court.

In support of its motion, the government states that:

1. The government's responses to the defendant's pretrial motions are currently due April 21, 2011, with a hearing on all pretrial motions currently set on April 29, 2011, at 10:00 a.m.
2. No prior extensions of the motion response deadline have been requested.
3. Counsel for the government is in the process of reviewing and preparing a response to the motion to suppress (Doc. 34) filed by defendant Roman on April

12, 2011, and the motion to suppress (Doc. 35) filed out of time by defendant Rodriguez on April 13, 2011.

4. Counsel for the government was out of the office on April 15, 2011, due to a previously scheduled family event and has not yet completed the government's response to the defendants' motions. The defendants' motions raise substantial issues and counsel for the government has determined that he will not be able to complete the necessary investigation and prepare adequate responses by the present deadline of April 21, 2011, due to the need to devote time to other pending matters, including participating in numerous hearings in unrelated matters, most notably a half-day long evidentiary hearing on motions to suppress in District of Kansas Case No. 10-40121-01/02-RDR on April 14, 2011; working to deal with other pending motions in other unrelated matters; and handling time-sensitive issues presented by two unrelated ongoing complex narcotics investigations.

5. Counsel for the defendants have been contacted with respect to the government's request and have no objections to it being granted.

The government requests that the response deadline be extended two (2) weeks, until and including May 5, 2011, and that the hearing on pretrial motions be continued to a date thereafter to be determined by the Court.

The Court finds that the request is a reasonable one and should be granted.

The Court further finds and orders for the reasons set forth in the government's motion that the period of trial delay resulting from the continuance is excludable time, as provided in 18 U.S.C. § 3161(h)(1)(D), in that it is "delay resulting from. . .[a] pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion," and 18 U.S.C. § 3161(h)(7)(A), in that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendants in a speedy trial.

IT IS THEREFORE ORDERED that the government's motion (Doc. 38) is hereby GRANTED, and the response deadline is hereby extended until and including May 5, 2011.

IT IS FURTHER ORDERED that the motion hearing in this matter is hereby continued to May 12, 2011 at 9:30 a.m.

IT IS SO ORDERED.

s/Richard D. Rogers  
United States District Judge