

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40004-01-RDR

DAVID G. OSBORNE,

Defendant.

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**ORDER**

**NOW** on this 24<sup>th</sup> day of February, 2011, the above-entitled matter comes before the Court upon the motion of counsel for the accused, David G. Osborne, for an order granting two (2) weeks' additional time, or until March 10, 2011, 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 defense counsel intends to file a motion to suppress and needs additional time to complete his research and preparation of the motion due to a nerve impingement condition that he has developed and is in treatment for.

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

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, David G. Osborne, have two (2) weeks' additional time up to and including March 10, 2011 to file motions in the above-entitled action, and the government shall have until March 17, 2011 to file responses. The hearing on said motions is hereby rescheduled to March 24, 2011 at 10:00 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