

**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.

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

The matter comes before the Court on the motion of the government to extend the response deadline in this case from March 17, 2011 to March 31, 2011, and continue the Motions Hearing from March 24, 2011 to a date after March 31, 2011, to be determined by the Court.

In support of its motion the government states:

1. On March 13, 2011, a motion to suppress (Doc. 13) was filed by the defendant in this matter. Under the current scheduling order, the government's response to that motion is due March 17, 2011, and a hearing is set on March 24, 2011, at 10:00 a.m.

2. No prior extensions have been requested.

3. Counsel for the government has had work to deal with other pending motions in other unrelated matters and handle issues presented by two unrelated ongoing complex narcotics investigations, among other things.

4. Counsel for the government has reviewed the defendant's motion and

determined that he will not be able to complete the necessary investigation and prepare adequate responses by the present deadline of March 17, 2011.

The government requests that the response deadline be extended to March 31, 2011 and the Motions Hearing be continued to a date after March 31, 2011 to be determined by the Court. Counsel for the defendants have no objection to this motion.

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

The Court further finds, for the reasons set forth in the government's motion, that any 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 defendant in a speedy trial.

IT IS THEREFORE ORDERED that the response deadline is hereby extended until and including March 31, 2011.

IT IS FURTHER ORDERED that the Motions Hearing is hereby continued until April 12, 2011 at 10:00 a.m.

s/Richard D. Rogers
United States District Judge