IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

                    Plaintiff,

          vs.   **Case No. 11-40032-01-RDR**

JERMAINE DEMETRIUS JACKSON,

                    Defendant.

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O R D E R

This case is before the court upon defendant's fifth motion to extend the deadline for filing pretrial motions. The current deadline is July 22, 2011. Defendant seeks an extension to August 22, 2011 in order to have time needed to work out a plea agreement with the government.

The court has reviewed the relevant factors in a Speedy Trial Act analysis in a previous order extending time to file pretrial motions. Doc. No. 11. The court will not repeat that analysis here.

The court finds that the denial of the requested continuance may deny counsel and defendant the time necessary to adequately consider a plea agreement prior to engaging in the time and expense of filing pretrial motions, taking into account the exercise of due diligence. The court finds that the continuance is in the interests of the public and the parties because it may save time and money and facilitate a fair, just and efficient resolution of

this matter. The court further finds that defendant is incarcerated pending trial. He is not a threat to the public pending the resolution of this case.

In sum, the court finds that the continuance requested is in the interests of justice which outweigh the interests of the public and the defendant in a speedy trial. Therefore, the continuance requested constitutes excludable time under 18 U.S.C. § 3161(h)(7).

Defendant's motion shall be granted and defendant shall be granted time until August 22, 2011 to file pretrial motions. The government shall have time until August 31, 2011 to respond to the motions. A hearing upon any motions filed shall be scheduled for September 8, 2011 at 10:30 a.m.

The court will be quite reluctant to grant further extensions of time to file pretrial motions in this case.

IT IS SO ORDERED.

Dated this 27th day of July, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge