

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Case No. 11-40047-RDR
)	
HENRY CASTRO, ET AL.,)	
)	
Defendants.)	

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

The matter comes before the court on the motion of the government (Doc. 319) to extend the response deadline in this case from January 23, 2012 to and including February 23, 2012, and to continue the Motions Hearing from February 9, 2012 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 defendants' pretrial motions are currently due January 23, 2012 with a hearing on all pretrial motions currently set on February 9, 2012 at 9:30 a.m.
2. No prior extensions of the motion response deadline have been requested.
3. The above-captioned matter, which has been designated as a complex case (Doc. 108), involves a charge of conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a

Schedule II controlled substance, against fifteen individual defendants, with three of those defendants also being charged with possession with the intent to distribute of 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

4. At the current time, nine defendants have resolved the charge or charges pending against them by entry of a guilty plea; one defendant, Lorena Monica Ortiz, is scheduled for a change of plea hearing on January 27, 2012; and charges remain pending and unresolved with five defendants: Carlos Nunez, Jorge M. Munoz, Christian Moreno, Luisa Mota-Hernandez, and Fermin-Perez Gerardo.

5. Based upon a review of the docket, approximately thirty-three pretrial motions have been filed and remain undecided. Four of the five defendants whose charges remain unresolved have filed pretrial motions and/or joined in pretrial motions filed by other defendants, including other defendants who subsequently resolved their charges by entry of guilty pleas.

6. Accordingly, the government requests additional time to go through the numerous filings in the case to determine which pretrial motions are currently viable with respect to which pending defendants and to prepare the appropriate responses to such motions.

7. Additionally, counsel for the government and counsel for the remaining

pending defendants are currently engaged in ongoing negotiations in hopes of resolving some or all of the issues in the case. Several defense counsel have reported that they will need additional time beyond the current response deadline to communicate with their clients due to scheduling issues.

8. Counsel for the government anticipates that the requested extension will also allow the parties an opportunity to resolve some or all of the pending issues remaining in the case, which will serve the interests of judicial economy and the public by paring down the matters to be resolved through litigation.

9. Therefore, the government requests that the response deadline be extended by four (4) weeks, until and including February 23, 2012, and that the hearing on pretrial motions be continued to a date thereafter to be determined by the Court.

10. Counsel for the five remaining defendants have been contacted with respect to the government's request. Counsel for defendants Jorge M. Munoz, Christian Moreno, Luisa Mota-Hernandez, and Fermin-Perez Gerardo have indicated that they have no objections to it being granted. Counsel for defendant Carlos Nunez, who appears to have no pending pretrial motions, has not yet responded and indicated a position.

The government requests that the response deadline be extended by four (4)

weeks, until and including February 23, 2012, 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. 319) is hereby GRANTED, and the response deadline is hereby extended until and including February 23, 2012.

IT IS FURTHER ORDERED that the motion hearing in this matter is hereby continued to March 8, 2012 at 9:30 a.m.

IT IS SO ORDERED.

s/Richard D. Rogers
United States District Judge