

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	Case No. 11-40069-01-RDR
)	
CECELIO OLIVERA-FLORES,)	
)	
Defendant.)	
_____)	

ORDER

NOW on this 21st day of September, 2011, the above-entitled matter comes before the Court upon the motion of counsel for the accused for an order granting additional time of thirty (30) days 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 was appointed to represent the accused on August 30, 2011. Counsel was then out of the country from September 5, 2011 until September 19, 2011, and has not had an opportunity to confer with his client, to investigate the relevant facts of the case, or to complete the research necessary to prepare any appropriate motions herein.

The Court further finds that 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 have additional time up to and including October 31, 2011 to file motions in the above-entitled action, and the government shall have until November 10, 2011 to file responses. The hearing on said motions is hereby rescheduled to November 17, 2011 at 9:30 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