

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
 Plaintiff,)
v.)
)
Shane L. Smith,)
 Defendant.)

)

Case No. 12-40026-RDR

ORDER GRANTING CONTINUANCE

NOW on this 30th day of May, 2012, this matter comes before the Court on Defendant Shane L. Smith's Second Unopposed Motion to Continue (Doc. 14.). After reviewing Defendant's Motion and being fully advised in the premises, the Court finds that the Motion should be and is hereby granted on the grounds stated in the Motion. The Court specifically finds:

1. Motions are currently set to be filed May 25, 2012 and responses thereto by June 1, 2012. A hearing on any motions filed is set for June 12, 2012. Trial has not yet been scheduled.

2. The continuance requested is necessary due to the press of defense counsel's other matters, including participation in a federal criminal trial, preparation and filing of an appellate brief, and participation in a newly filed injunction action. Further, while defense counsel has had the opportunity to review some of the discovery in this case, there will not be sufficient time to review all of it and understand it before the current deadline to file motions. Given these findings, an extension of current deadlines by 30 days is appropriate.

3. This is the second continuance requested by Defendant in this matter.

4. The United States has no objection to the continuance.

5. The Court further finds that the period of delay resulting from the continuance 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 continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that Defendant's Unopposed Motion for Continuance is GRANTED. The parties shall have until June 25, 2012 to file motions and until July 2, 2012 to file responses. A hearing on any motions filed will be held July 16, 2012 at 10:00 a.m.

IT IS SO ORDERED.

s/Richard D. Rogers
United States District Judge