

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(TOPEKA DOCKET)

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
) No. 12-40043-01/02-RDR
)
)
)
JAVIER VAZQUEZ-HERNANDEZ, and))
JOSE LUIS OSORIEO-TORRES,)
 Defendants.)
_____))

ORDER

Now on this 12th day of July, 2012, the above-entitled matter comes before the court upon the motion of the United States for an order extending the time for filing of the government's responses to the defendants' pretrial motions, for one week, pursuant to 18 U.S.C. § 3161(h). The court, after reviewing the motion and being fully advised in the premises finds as follows:

1. The government's responses to the pretrial motions filed by the defendants in this matter are due on July 12, 2012.
2. Both defendants have filed multiple pretrial motions seeking evidentiary hearings. The defendants' recitations of the facts which allegedly give rise to these motions are wholly inconsistent with reports of law

enforcement involved in the investigation of this matter. Osorio-Torres filed his “Amended Memorandum of Law in Support of his Motion to Suppress and for *Franks* Hearing” (Doc. 42) on July 11, 2012.

3. Government counsel has been involved in plea negotiations with both defendants up until the date of the filing of this motion. Osorio-Torres did not notify the undersigned until July 11, 2012 that plea negotiations have failed to resolve this matter. Plea negotiations with Vazquez-Hernandez, which would alleviate the need for any response to the motions filed upon his behalf, are continuing as of this writing. The undersigned should know the result of plea negotiations with Vazquez-Hernandez within one week.

4. For the above-stated reasons, refusal to grant said request would deny the government counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as contemplated by 18 U.S.C. § 3161(h)(7)(B)(iv).

5. For the above-mentioned reasons, refusal to grant said request for extension of time would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(8)(B)(i).

6. Counsel for Osorio-Torres does not oppose the instant motion.

7. Counsel for Vazquez-Hernandez does not oppose the instant motion.

8. Both defendants in this matter have been detained pending trial of this matter, due in part to immigration holds.

9. The additional time requested will not prejudice the parties herein. Such additional time outweighs the best interests of the public and the defendants in a speedy trial, as set out in 18 U.S.C. § 3161(h)(8).

IT IS THEREFORE ORDERED that the motion of the United States for an order extending the time for filing of the government's responses to the defendants' pretrial motions, for one week, pursuant to 18 U.S.C. § 3161(h), is granted.

IT IS SO ORDERED.

s/Richard D. Rogers
United States District Judge