

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CORTEZ I. MUMFORD,

Defendant.

Case No. 15-20069-01-JAR

MEMORANDUM AND ORDER GRANTING MOTION TO CONTINUE

This matter comes before the Court on the Government's Motion to Continue the Response Deadline for Objections and to Continue the Sentencing Hearing (Doc. 49). This case is set for a sentencing hearing on September 11, 2017, at 1:30 p.m. Plaintiff made several objections to the Presentence Investigation Report ("PSR") based on the Tenth Circuit's recent decision in *United States v. Madkins*.¹ The Government states that it is in the process of filing a petition for rehearing in *Madkins*, and that it is unable to respond to Defendant's objections to the PSR until *Madkins* becomes final. Accordingly, the Government moves for an extension of its deadline to respond to Defendant's PSR objections until 30 days after the appeal in *Madkins* has been resolved. The Government also moves for a continuance of the sentencing hearing, and requests that the Court re-set the sentencing hearing once the parties have addressed the objections and the PSR has been prepared. Defendant and the United States Probation Office do not object to the Government's motion.

The Court finds good cause to grant the Government's motion for continuance. Defendant's PSR objections apparently rely heavily on *Madkins*, and thus the Government's

¹-- F. 3d --, No. 15-3299, 2017 WL 3389367 (10th Cir. Aug. 8, 2017).

response may depend on the outcome of its supposed petition for re-hearing. Further, Defendant does not oppose the motion. The Court, however, is unwilling to grant a continuance of the Government's response deadline and the sentencing hearing that would rely entirely on the timeframe of the appeal in *Madkins*. Instead, the Court will grant a reasonable extension of the Government's response deadline until November 13, 2017. Additionally, the Court will continue the sentencing hearing in this case to December 4, 2017, at 9:00 a.m. The Court therefore grants the Government's motion to continue in accordance with the dates set forth above.

IT IS THEREFORE ORDERED BY THE COURT that the Government's Motion to Continue the Response Deadline for Objections and to Continue the Sentencing Hearing (Doc. 49) is **granted**. The Court extends the Government's deadline to respond to Defendant's PSR objections until November 13, 2017, and continues the sentencing hearing to December 4, 2017, at 9:00 a.m. If the appeal in *United States v. Madkins* is resolved before November 13, 2017, the parties may request that the Court move the Government's response deadline and the sentencing hearing to an earlier date. If the appeal in *Madkins* remains pending after November 13, 2017, the parties may file a renewed motion for continuance.

IT IS SO ORDERED.

Dated: August 31, 2017

S/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE