

U.S. COURTS

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REC'D. FILED *Wang J*
CAMERON S. BURKE,
CLERK. IDAHO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRUZ RUBALCAVA-RODRIGUEZ,

Defendant.

CASE NO: CR02-003-S-EJI.

ORDER

Pending before the Court in the above-entitled matter is Defendant's motion to continuac trial and extend time for filing pre-trial motions. The trial is currently set for March 5, 2002. The motion asserts that a continuance is in the interest of justice in order to facilitate discussions with the United States Attorney and complete an investigation necessary to prepare and present an adequate defense. Further, the motion notes that discovery is not yet completed.

Based on the foregoing and the Court being fully advised in the premises, the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(iv). Thus, defendant's motion for a continuance (Docket No. 6) is **GRANTED**. The trial setting for March 5, 2002 is **HEREBY VACATED**. A pretrial conference will be held on **Tuesday, April 9, 2002 at 9:00 a.m.** and the trial will commence on **Tuesday, April 16, 2002 at 9:30 a.m.**

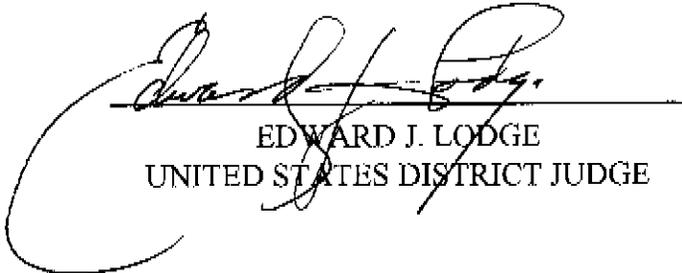
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Any and all period of delay resulting from the granting of this continuance, from the date of the filing of the defendant's motion until the date of the rescheduled trial, shall be excludable time pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (h)(8)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

Dated this 4th day of March, 2002.



EDWARD J. LODGE
UNITED STATES DISTRICT JUDGE

United States District Court
for the
District of Idaho
March 4, 2002

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:02-cr-00003

I certify that a copy of the attached document was mailed or faxed to the following named persons:

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James Clerk

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HAND DELIVERED

____ Chief Judge B. Lynn Winmill
____ Judge Edward J. Lodge
____ Chief Magistrate Judge Larry M. Boyle
____ Magistrate Judge Mikel H. Williams

Cameron S. Burke, Clerk

Date: March 4, 2002

BY: *Catal Varga*
(Deputy Clerk)