

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH G. WALKER,

Defendant.

Case No. 3:13-CR-0009-BLW

**MEMORANDUM DECISION AND
ORDER**

The Court's staff held an informal conference with all counsel on December 3, 2013. Counsel reported that the defendant has been apprehended but has not yet been returned to federal custody and is therefore still unavailable for trial. Counsel estimated that the defendant would be returned to federal custody within a month or so. At that time, counsel anticipate that an arraignment would be scheduled and a new trial date set for the defendant.

In an earlier Order, the Court found excludable time under 18 U.S.C. § 3161(h)(3) because the defendant was unavailable for trial. Although the defendant has been apprehended, he remains outside of federal custody and is therefore still unavailable for trial. The Court therefore finds that this period of delay continues to constitute excludable time under 18 U.S.C. § 3161(h)(3). The Court further finds that counsel are

working together to expedite the process of returning the defendant to federal custody, and providing for an arraignment and new trial date. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that this period of delay continues to constitute excludable time under 18 U.S.C. § 3161(h)(3).

IT IS FURTHER ORDERED, that counsel shall continue to expedite the process of returning the defendant to federal custody, obtaining an arraignment for him, and securing a new trial date for this matter at the arraignment.



DATED: December 3, 2013

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court