

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:05CR241
vs.)
)
PETER URQHART,)
)
Defendant.)

Defendant has filed a motion (#18) to continue trial, now set for September 13, 2005, stating that he needs additional time to investigate the case and file pretrial motions.

The deadline for filing pretrial motions expired on July 20, 2005. No pretrial motions were timely filed and trial was set for August 23, 2005. On August 17, 2005 defendant asked that the case be removed from the trial docket and that a change of plea hearing be set. A plea hearing was set for September 6, 2005, at which time counsel advised the court that defendant did not intend to enter a plea of guilty and requested that the case be returned to the trial docket. Accordingly, trial was set for September 13, 2005.

The basis for the pending motion is that "just prior to Defendant's scheduled change of plea hearing, Defendant disclosed new information which merits investigation." There is no showing that the defendant was somehow denied the opportunity to disclose relevant information to his attorney in a timely fashion. Although the motion is reportedly unopposed, and defendant has filed a speedy trial waiver, I find that the defendant has not shown good cause for a continuance. The court's calendar cannot accommodate this request.

IT IS ORDERED that defendant's motion to continue trial (#18) is denied.

Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

DATED September 7, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge