IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, **Plaintiff,** **vs.** **TIMOTHY DE FOGGI and ZACKARY AUSTIN,** **Defendants.**	**8:13CR105** **ORDER**

This matter is before the court on the motion for an extension of time by defendant Zackary Austin (Austin) (Filing No. 62). Austin seeks additional time in which to file pretrial motions in accordance with the progression order which established such deadline as September 6, 2013 (Filing No. 35). Upon consideration, the motion will be granted with the provision Austin files his affidavit in accordance with Paragraph 3 of the progression order and NECrimR 12.1(a) **on or before September 12, 2013**.

IT IS ORDERED:

Defendant Austin's motion for an extension of time (Filing No. 62) is provisionally granted. Austin is given until **on or before September 12, 2013**, in which to file the required affidavit, whereupon the deadline to file pretrial motions will be extended to **November 6, 2013**. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between September 6, 2013, and November 6, 2013**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 6th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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