IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	**CASE NO. 8:13CR105**
	)	
Plaintiff,	)	
	)	
vs.	)	**TENTATIVE FINDINGS**
	)	
TIMOTHY DE FOGGI,	)	
	)	
Defendant.	)	

The Court has received the Revised Presentence Investigation Report and Addendum ("PSR"). The government adopted the PSR (Filing No. 266). The Defendant has filed a "Sentencing Statement" (Filing No. 267), which the Court has construed as objections to the PSR. The Defendant has also filed a Sentencing Memorandum, along with an index, (Filing Nos. 269 and 270), which the Court has construed as a motion for a departure or variance from the guidelines. *See* Second Amended Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker,* 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Defendant's Sentencing Statement (Filing No. 267) and Sentencing Memorandum (Filing No. 269) will be addressed at the sentencing hearing;

2. The Court intends to adopt the PSR in all other respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are

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required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 17th day of December, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge