IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	**8:13CR105**
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
TIMOTHY DEFOGGI,	)	
	)	
Defendant.	)	

This matter is before the Court on the motion of defendant Timothy DeFoggi (DeFoggi) for an extension of time to file pretrial motions (Filing No. 68). The motion does not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order (Filing No. 17) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

(1) Has been advised by counsel of the reasons for seeking a continuance;
(2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
(3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 68) is :

(X) Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before November 15, 2013**, the motion will be deemed withdrawn and termed on the docket.

( ) Denied.

IT IS SO ORDERED.

DATED this 8th day of November, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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