**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF NEBRASKA**

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|---|---|---|
| **UNITED STATES OF AMERICA,** | ) | |
| | ) | **8:13CR105** |
| **Plaintiff,** | ) | |
| | ) | |
| **vs.** | ) | **ORDER** |
| | ) | |
| **TIMOTHY DE FOGGI,** | ) | |
| | ) | |
| **Defendant.** | ) | |

This matter is before the court on the oral motion of defendant Timothy DeFoggi (DeFoggi) for an extension of the pretrial motion deadline. The motion was made during the arraignment on the Indictment on May 6, 2013. The government had no objection to the motion. DeFoggi acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

**IT IS ORDERED:**

1. DeFoggi's motion for an extension of time to file pretrial motions is granted. DeFoggi shall have **to on or before July 26, 2013**, in which to file pretrial motions in accordance with the progression order.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from May 6, 2013, and July 26, 2013**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires 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 7th day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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