IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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

This matter is before the court on the motion for an extension of time by defendant Timothy DeFoggi (DeFoggi) (Filing No. 54). DeFoggi seeks an additional sixty days 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 DeFoggi files his affidavit in accordance with Paragraph 3 of the progression order and NECrimR 12.1(a) **on or before August 16, 2013.**

IT IS ORDERED:

Defendant DeFoggi's motion for an extension of time (Filing No. 54) is provisionally granted. DeFoggi is given until **on or before August 16, 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 August 7, 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 7th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO