IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, Plaintiff, v. DIONTE DORTCH, JERELL HAYNIE, GREGORY BAHATI, BRANDON HEARD, and JULIO ARIAS, Defendants.	))))))))))))	8:15CR343 ORDER

This matter is before the court on the Motions for a Rule 104 Hearing Regarding Statements of Alleged Co-Conspirators filed by Defendants Gregory Bahati (Filing No. 214), Brandon Heard (Filing No. 221), Julio Arias (Filing No. 236), and Jerell Haynie (Filing No. 243). The motions request that the court hold a *James* evidentiary hearing in advance of trial regarding the admissibility of statements made by the alleged co-conspirators under Federal Rule of Evidence 801(d)(2)(E). The motions in this case are based upon the same arguments made to Senior Judge Bataillon by Defendant Kendell Tealer in a separate, but related case, *United States v. Tealer*, 8:14-CR-185. For the same reasons identified by Judge Bataillon, the court will deny the motions for a *James* hearing without prejudice after additional Jencks Act materials are disclosed. Accordingly,

IT IS ORDERED: The Motions for a Rule 104 Hearing Regarding Statements of Alleged Co-Conspirators (Filing No. 214; Filing No. 221; Filing No. 236; and Filing No. 243) are denied without prejudice.

DATED: January 4, 2017

BY THE COURT:

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

s/ F.A. Gossett, III
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing a "Statement of Objections to Magistrate Judge's Order" within 14 days after being served with the order in accordance with NECrimR 59.2.