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

| | | |
|---|---|---|
| **UNITED STATES OF AMERICA,** | ) | |
| | ) | **8:16CR231** |
| **Plaintiff,** | ) | |
| | ) | |
| **vs.** | ) | **ORDER** |
| | ) | |
| **KEVIN PADILLA-OLMEDO and** | ) | |
| **FELICIA WILLS,** | ) | |
| | ) | |
| **Defendants.** | ) | |

This matter is before the court on the motion to continue by defendant Kevin Padilla-Olmedo (Padilla-Olmedo) (Filing No. 54). Padilla-Olmedo seeks a continuance of the trial of this matter was scheduled for February 6, 2017. Padilla-Olmedo's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted, in part. Trial will be continued as to both defendants to March 6, 2017. Theis order is contingent upon Padilla-Olmedo filing the affidavit required by Paragraph 9 of the Progression Order (Filing No. 16) within ten business days of this order.

**IT IS ORDERED:**

1. Padilla-Olmedo's motion to continue trial (Filing No. 54) is granted as set forth above.

2. Trial of this matter **as to both defendants** is re-scheduled for **March 6, 2017,** before Judge Robert F. Rossiter, Jr., and a jury. 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., the time between **December 29, 2016, and March 6, 2017,** shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the 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 29th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

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