**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs. CR No. ##-#### SMD**

**(Defendant’s name),**

**Defendant.**

**ORDER CONTINUING TRIAL SETTING**

This matter is before the Court on Defendant's **[Unopposed]** Motion to Continue Trial Setting. The Court having reviewed the defendant's motion, having been advised that Assistant U.S. Attorney **[Name]** does not oppose this motion, and; further, the motion by **[Defendant’s name]** having been filed in accordance with the provisions of 18 U.S.C. § 3161(h)(7)(A) and it appearing that the ends of justice served by allowing this continuance outweigh the best interest of the public and the defendant in a speedy trial; the Court thus being fully advised in the premises finds that defendant’s motion is well-taken and should be granted.

The Court having considered the motion and subsequent to any hearing to determine the appropriate length to continue the trial, being fully advised in the premises and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the defendant has by his motion, created a sufficient record to justify granting the motion to continue. *See id*., 574 F.3d at 1271 (requiring that record on motion to continue “contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time”).

**[Specify the number motions to continue that have been filed in the underlying case and shall specify the facts and circumstances giving rise to a continuance of trial setting]**

IT IS HEREBY ORDERED that Defendant's **[Unopposed]** Motion be granted; and that the motions deadline and trial setting is continued for**(Number of days requested)** (??) days.

IT IS FURTHER ORDERED that Defendant's **[Unopposed]** Motion to Continue Jury Trial Setting until the  **trailing docket** be granted; and that pursuant to 18 U.S.C. § 3161(h)(7)(A), the delay resulting from the continuance shall be excluded for purposes of the Speedy Trial Act.

IT IS FURTHER ORDERED that **the Call of the Calendar is set for at 11:00 a.m.**

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UNITED STATES DISTRICT JUDGE