**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v. CR No. ##-#### MIS

(DEFENDANT’S NAME),

Defendant.

**[PROPOSED] ORDER CONTINUING TRIAL SETTING**

THIS MATTER is before the Court on Defendant’s [Unopposed] Motion to Continue Trial Setting. ECF No. #. [If opposed, the Government responded. ECF No. #.] Having considered Defendant’s Motion [and lack of opposition], the record, and the relevant law, the Court will GRANT the Motion. The Court finds that Defendant’s Motion was filed in accordance with the provisions of 18 USC § 3161(h)(7)(A) and that the ends of justice served by allowing this continuance outweigh the best interest of the public and Defendant in a speedy trial.

Having considered the Motion and holding a hearing to determine the appropriate length to continue the trial, and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), the Court finds that Defendant has created a sufficient record to justify granting the Motion to Continue. *See id.* at 1271 (requiring that the record on a 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 specify the facts and circumstances giving rise to a continuance of this trial setting.]

[**IT IS THEREFORE ORDERED** that Defendant’s unopposed Motion is GRANTED. The motions deadline and trial setting is continued for \_\_\_\_\_\_\_\_\_\_days.]

**IT IS THEREFORE ORDERED** that Defendant’s Motion to Continue Trial Setting is **GRANTED**. The trial is hereby continued until [DATE]. 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 SO ORDERED.**

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**MARGARET STRICKLAND**

UNITED STATES DISTRICT JUDGE