

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
Clerk's Minutes
Before the Honorable Judith C. Herrera
from SANTA FE, NEW MEXICO**

USA v. Danuel Dean Quaintance, et al. Case No. 06-538 JH

Date: June 6, 2007

Courtroom Clerk: Lincoln Sorrell Court Reporter: Paul Baca

Court in Session: 10:00 a.m. Court in Recess:

Type of Proceeding: Telephonic Status Conference

Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s):

Luis Martinez, Amanda Gould

Jerry Herrera (for D. Quaintance)
John Robbenhaar (for M.H. Quaintance)
Bernadette Sedillo (for Joseph Butts)

Proceedings:

Court in Session:

- 10:00 a.m.** Court in session; attorney appearances via phone; Defendant Joseph Butts is present in Albuquerque courtroom
- 10:05 a.m.** Sedillo: district court loses jurisdiction until court of appeals has ruled on appeal of all three defendants. Court: when were appeals filed? Answers from counsel. Appealed from denial of motion to dismiss.
- 10:06 a.m.** Herrera: District court may not have jurisdiction. Robbenhaar: jurisdiction lies with the tenth circuit but ruling may be quick.
- 10:07 a.m.** Gould: District court finding of frivolous only way that this court would have jurisdiction. Government filed motions to dismiss appeal at Tenth Circuit. Up against the wall time wise for a June 18 trial setting.
- 10:09 a.m.** Robbenhaar: May have 8 or 10 days to respond .
- 10:09 a.m.** Court: sounds like were not going to trial in June; Court will move case to the August 20, 2007 docket. Off June docket pending some sort of guidance from the Tenth Circuit.
- 10:11 a.m.** Sedillo: Off for the calendar call tomorrow? Court: yes.
- 10:13 a.m.** Court in recess.