

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 06-0538 JH

DANUEL QUAINANCE,  
MARY QUAINANCE,  
JOSEPH BUTTS,

Defendants.

**ORDER TO VACATE AND CONTINUE TRIAL**

This matter having come before the Court upon the Unopposed Joint Motion to Vacate and Continue Trial, and the Court being otherwise fully advised in the premises finds that the motion is well-taken and should be granted.

IT IS THEREFORE ORDERED that the current trial setting of June 18, 2007, is hereby vacated and rescheduled for **August 20, 2007 at 9:00 a.m. (trailing docket)**, Brazos Courtroom--5th Floor, 333 Lomas Blvd. N.W., Albuquerque, New Mexico.

The Court also finds that the time period of the extension shall be excluded in computing the time within which the trial must commence pursuant to 18 U.S.C. 3161(h)(1)(F), 18 U.S.C. 3161(h)(8(A), and 18 U.S.C. 3161(h)(B)(iv). Further, continuance of the trial from June 18, 2007 to August 20, 2007, does not result from congestion of the Court's docket. At a status conference on June 6, 2007 all parties indicated that due to the current pending interlocutory appeal with the United States Court of Appeals, this Court would be without jurisdiction to proceed to trial at this time.

IT IS FURTHER ORDERED that the calendar call is reset for **August 9, 2007 at 1:30 p.m.**

A handwritten signature in black ink, appearing to read "Judith C. Herrera", is written over a horizontal line. A vertical line intersects the horizontal line to the right of the signature.

THE HONORABLE JUDITH C. HERRERA  
United States District Judge