

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 06-538 JH

DANUEL QUAINANCE, et al.,

Defendants.

**ORDER VACATING TRIAL**

**THIS MATTER** is before the Court on the Defendants' Joint, Unopposed Motion to Vacate Trial Setting [308], filed January 2, 2008. Trial is currently set for January 14, 2008.

The Court, having reviewed the motion and noting the U.S. Attorney does not oppose the motion, finds that the motion is well taken and will be granted. The defendants filed an interlocutory appeal with the United States Court of Appeals for the Tenth Circuit, and the briefing process thereto is ongoing. This Court is without jurisdiction to proceed to trial on the merits.

**IT IS THEREFORE ORDERED** that the Defendant's Unopposed Motion to Continue January 14, 2008 Trial Setting [28], filed January 2, 2008 is granted, and the trial date of January 14, 2008 is vacated. Jury selection/trial will be reset in this matter at the appropriate time. The period of time from the entry of this order until the eventual new trial date shall be excluded, pursuant to 18 U.S.C. § 3161 (h)(8)(A), from the time limitations set forth within 18 U.S.C. § 3161(c)(1).



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UNITED STATES DISTRICT JUDGE