

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

UNITED STATES OF AMERICA,

§

Plaintiff,

§

§

v.

§

Cause No. CR 06-538 JH

§

§

DANUEL DEAN QUAINANCE,

§

§

Defendant.

§

**MR. QUAINANCE'S MOTION TO EXTEND DUE DATE FOR REPLY
TO GOVERNMENT'S RESPONSE TO MOTION TO DISMISS**

DANUEL DEAN QUAINANCE, Defendant, by and through the undersigned appointed counsel, Marc H. Robert, Assistant Federal Public Defender, moves the Court for an order extending the due date for his reply to the government's response to Mr. Quaintance's Motion to Dismiss Indictment, and in support of his motion would respectfully show the Court as follows:

1. Mr. Quaintance is charged by indictment filed on March 15, 2006 [Doc. 25] with possession of more than 50 kilograms of marijuana with intent to distribute it and conspiracy. Mr. Quaintance was arraigned on March 29, 2006 and entered a not guilty plea to both charges. Mr. Quaintance has filed a motion to dismiss the indictment and has requested an evidentiary hearing on that motion. The government has filed a response to that motion. Mr. Quaintance's reply to that response is due on May 8, 2006.

2. The undersigned counsel is gathering information and conducting research to reply to the government's arguments in response to Mr. Quaintance's motion to dismiss.

While counsel is working diligently to that end, the process is not yet concluded. Recognizing that the disposition of the motion to dismiss may well be the dispositive event in the progress of this case, and desiring to make sure that the Court possesses all relevant information relating to that motion, the undersigned counsel requests additional time to file Mr. Quaintance's reply. The need for additional time is exacerbated by work on other cases, including an oral argument before the 10th Circuit on May 12, 2006. Counsel requests an additional two weeks to file Mr. Quaintance's response, which would make the due date for the reply May 22, 2006.

3. The relief requested in this motion is sought in order to ensure that Mr. Quaintance received effective assistance of counsel.

4. The undersigned counsel has conferred with Assistant United States Attorney Luis A. Martinez regarding this motion. The government does not oppose this motion. A proposed form of order is submitted herewith.

WHEREFORE, for the foregoing reasons, DANUEL DEAN QUAINANCE, Defendant, respectfully prays that the Court enter an order extending the due date for Mr. Quaintance's reply to the government's response to Mr. Quaintance's motion to dismiss indictment by two weeks, to May 22, 2006, and provide such other and further relief to which the Court may find Mr. Quaintance to be justly entitled.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER
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filed electronically on May 8, 2006
MARC H. ROBERT
Assistant Federal Public Defender
Las Cruces Office

Counsel for Mr. Quaintance

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend Due Date was served on Assistant United States Attorneys Luis A. Martinez and Amanda Gould, 555 Telshor, Suite 300, Las Cruces, New Mexico, 88011, by placing it in the box designated for the United States Attorney's Office at the United States District Court Clerk's office; Mr. Mario A. Esparza, P.O. Box 2468, Las Cruces, New Mexico 88004; and Mr. Leon Schydlower, 210 N. Campbell, El Paso, Texas 79901-1406 on May 8, 2006.

filed electronically on May 8, 2006
MARC H. ROBERT

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