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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 2:13-mj-00223-KJN |
| Plaintiff, |) | |
| vs. |) | STIPULATION AND PROPOSED |
| |) | ORDER |
| MATTHEW GILLUM, |) | Date: 10/03/13 |
| Defendant |) | Time: 2:00 p.m. |
| |) | Judge: Kendall J. Newman |

IT IS HEREBY STIPULATED BY AND AMONG ALL PARTIES that the Preliminary Hearing currently set for September 19, 2013 at 2:00 p.m. is continued to October 3, 2013, at 2:00 p.m. pursuant to Federal Rule of Criminal Procedure, Rule 5.1(d). On July 23, 2013, a complaint was filed against Mr. Gillum and he made an initial appearance on July 24, 2013. Both parties are mutually requesting this continuance in order to work on resolving this matter pre-indictment.

It is further stipulated that good cause exists to extend the time for the preliminary hearing within the meaning of Rule 5.1(d). The parties further stipulate that the ends of justice are served by the Court excluding time from September 19, 2013 to October 3, 2013, so that counsel for the defendant may have reasonable time necessary for preparation, taking into account the exercise of due diligence. 18 U.S.C. Section 3161(h)(7)(B)(iv). The defendant, defense counsel and the government stipulate and agree that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. Section 3161(h)(7)(A); Local Code T-4, preparation of counsel.

By: /s/ Thomas A. Johnson
THOMAS A. JOHNSON
 Attorney for Defendant
 Matthew Gillum

BENJAMIN WAGNER
United States Attorney

By: /s/ Thomas A. Johnson for
JUSTIN LEE
Assistant U.S. Attorney

IT IS HEREBY ORDERED: That the Preliminary Hearing scheduled for September 19, 2013, is continued to October 3, 2013. It is further ORDERED that the time under the Speedy Trial Act between today's date and October 3, 2013, is excluded under Local Code T-4, and 18 U.S.C. § 3161(h)(7)(B)(iv) to ensure adequate time for preparation of counsel. For the reasons set forth above, the court finds that the ends of justice served by a continuance outweigh the best interests of the public and the defendants in a speedy trial and therefore excludes time through October 3, 2013.

Dated:

U.S. Magistrate Court Judge