

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

05-CR-143-S

MICHAEL M. MILLER,

Defendant.

At the October 28, 2005 arraignment, this court set the following schedule:

1) The government has already provided its required disclosures and has a continuing disclosure obligation throughout this case. Pursuant to Rule 12, the government has proffered that it intends to use all disclosed evidence in its case-in-chief at trial.

2) Defendant must file and serve any pretrial motions and discovery requests not later than December 2, 2005. Briefs need not accompany the motions. If defendant wants an evidentiary hearing on a motion, then he must ask for it in the caption of each such motion and must provide a nonconjectural factual basis establishing a prima facie entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7th Cir. 2004).

3) The pretrial motion hearing and any evidentiary hearing shall be December 6, 2005, at 10:00 a.m. The court will rule on each motion or set it for briefing in consultation with the parties. Unless the court is taking evidence on a dispositive motion, defendant may waive his presence at the preliminary pretrial conference. A defense attorney located more than 20 miles from the courthouse may, with the client's permission, request leave to appear telephonically. An attorney must make such a request not later than noon on the day before the conference.

4) Submissions for the final pretrial conference, namely proposed voir dire questions, jury instructions and motions *in limine* must be filed and served not later than January 11, 2006.

5) The final pretrial conference shall be January 13, 2006, at 9:30 a.m. Defendant may waive his presence at the final pretrial conference. A defense attorney located more than 20 miles from the courthouse may, with the client's permission, request leave to appear telephonically. An attorney must make such a request not later than noon on the day before the conference.

6) The final hearing before the trial judge shall be January 20, 2006, at 3:30 p.m. The defendant and trial counsel must attend this hearing.

7) Jury selection and trial shall begin at 9:00 a.m. on January 23, 2006. The predicted trial length is one day. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 28th day of October, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge