

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

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

05-CR-150-S

ESRIEL PRADO and OSVALDO
CHIMAL-DELACRUZ,

Defendants.

At the October 12, 2005 arraignment, this court set the following schedule:

1) The government must provide its required disclosures not later than October 19, 2005, with 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) Defendants must file and serve any pretrial motions and discovery requests not later than November 18, 2005, at noon. Briefs need not accompany the motions. If a 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 November 23, 2005, at 11:00 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, a 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 4, 2006.

5) The final pretrial conference shall be January 6, 2006, at 1:00 p.m. A 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 13, 2006, at 4:00 p.m. The defendants and trial counsel must attend this hearing.

7) Jury selection and trial shall begin at 9:00 a.m. on January 17, 2006, at 9:00 a.m. The predicted trial length is two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 12th day of October, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge