

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY L. NELSON,

Defendant.

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ORDER

06-CR-08-C-1

On July 22, 2006, counsel for defendant Timothy Nelson telefaxed to the court a note from Mark Palmer, M.D., who apparently is Nelson's treating physician. Dr. Palmer states that Nelson will be undergoing daily radiation therapy for head and neck cancer until the beginning of September and that it will be one to two months after that before Nelson would be able to sit through a trial. A copy of Dr. Palmer's note is attached to this order.

In light of this, I am directing the clerk of court to schedule a telephonic status conference for late September, 2006. Prior to the hearing, Nelson, by counsel, must file and serve a follow-up report from Dr. Palmer or some other treating physician with first-hand knowledge of Nelson's condition. The report should provide a current assessment of Nelson's condition, an opinion as to his ability to assist properly in the out-of-court preparation of pretrial motions and other pretrial activities, and a prediction on when he would be capable of sitting through a two or three day trial, during which the court would accommodate Nelson's physical needs.

Time continues to be excluded from computation under the speedy trial clock pursuant to 18 U.S.C. §3161(h)(4).

Entered this 24<sup>th</sup> day of July, 2006.

BY THE COURT:  
/s/  
STEPHEN L. CROCKER  
Magistrate Judge