

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUAN NGUYEN,

Defendant.

PRETRIAL MOTION
HEARING ORDER

07-CR-045-S

On June 28, 2007, this court held a telephonic pretrial motion hearing at the request of defendant's attorney. Defendant Huan Nguyen waived his personal participation, but was represented by Attorney William Walker. The government was represented by Assistant U.S. Attorney David Reinhard, filling in for Assistant U.S. Attorney Paul Connell.

Prior to the hearing, Nguyen filed discovery motions and demands, along with a motion to transfer venue. During the conference, Attorney Walker reported that he had telefaxed a letter to Judge Shabaz on June 27, 2007 announcing an intent to file a motion to dismiss based upon probable cause" which Nguyen was "reserving" until the court decided the issue of transfer of venue. After discussing with Attorney Walker the procedural impropriety of this maneuver, we reached consensus on deeming this letter a motion to dismiss for lack of venue and/or jurisdiction, to brief in conjunction with Nguyen's motion to transfer venue. Nguyen's must file and serve his brief on these two motions, as well as his brief on his motion for disclosure of grand jury materials (dkt. 16), not later than July 10, 2007. The government must file and serve responses to all pending motions not later than July 17, 2007, and Nguyen must file and serve

any replies not later than July 20, 2007. Same day service is required and no extensions will be countenanced because the August 6, 2007 jury selection date and August 8, 2007 trial date both are firm.

At the hearing the government reported that it has provided open file discovery and it has complied and will continue to comply with its *Brady* and *Giglio* obligations in this case. In light of this and after discussing the other motions with both sides, I granted the motion docketed as 12, and denied 9-11.

Sometime during the week of July 9, 2007, I will send to the parties draft voir dire questions and jury instructions along with a copy of the court's order governing the final pretrial conference. The parties must follow the directions of the order, and may use the court's draft submissions if they wish to assist for preparing their filings for the final pretrial conference.

The parties had no other matters to bring to the court's attention.

Entered this 28th day of June, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge