

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

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

10-cr-129-wmc

JOSE AGUILAR-HUERTA and
CARLOS MEJIA,

Defendants.

At the August 19, 2010 arraignment, this court set the following schedule:

1) Defendants must file and serve any pretrial motions and discovery requests not later than September 14, 2010. Pursuant to 18 U.S.C. § 3161(h)(7), time from the arraignment until the deadline to file pretrial motions is excluded from the speedy trial clock regardless whether motions are filed. The ends of justice and the Sixth Amendment require that defendants and defense counsel receive adequate time to review the government's disclosures, investigate this case, then make tactical decisions whether to file motions and which motions to file. Briefs need not accompany motions. To obtain an evidentiary hearing on a motion, a defendant must ask for it in the caption of each such motion and must submit admissible facts 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 September 17, 2010 at 11:30 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.

4) A bench trial before Magistrate Judge Crocker shall be held November 8, 2010 at 9:00 a.m. The predicted trial length is one day.

Entered this 19th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge