

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLA CUNNINGHAM,

Defendant.

) Case No.: 15-CR-1885-GPC

) **Order Granting Motion to Continue**
) **Hearing Pursuant to 18 U.S.C § 3161(h)**

) [ECF No. 43]

Good cause appearing, the Court grants the parties' joint motion to continue pretrial motion hearing from April 22, 2016, to July 29, 2016, at 10:30 a.m. The Court finds the time excludable from April 15, 2016, ECF No. 43, until July 29, 2016, for the purposes of the Speedy Trial Act for the following reasons:

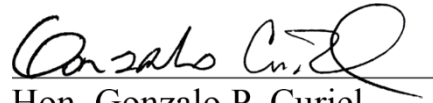
1. A psychological examination requested by defense counsel is not yet complete, which excludes time under 18 U.S.C. § 3161(h)(1)(A).
2. Ms. Cunningham is currently enrolled in the CRASH residential drug-treatment program as a condition of her pretrial release, ECF No. 42, and is currently unavailable to assist in the preparation of her defense, which excludes time under 18 U.S.C. § 3161(h)(3)(A).

Furthermore, under 18 U.S.C. § 3161(h)(7)(A), "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial" due to Defense Counsel's representation that review of the

1 voluminous discovery materials is not yet complete and has now been hindered by
2 Ms. Cunningham's enrolment in the CRASH residential drug-treatment program.
3 Therefore, the Court finds that the time should also be excluded based on the
4 factors outlined in 18 U.S.C. § 3161(h)(7)(B)(iv).

5 So ordered.

6 Dated: April 19, 2016

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8 Hon. Gonzalo P. Curiel
9 United States District Judge
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