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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD DELOACH (1),  
NOBLE PHOENIX MICHA EL (2),

Defendants.

Case No.: 20-CR-2111-JLS

ORDER GRANTING JOINT MOTION  
TO CONTINUE TRIAL DATE AND  
FINDINGS OF FACT

The Court has read and considered the Stipulation and Joint Motion to Continue Trial Date, filed by the parties in this matter on January 6, 2022. The Court hereby finds that the Stipulation and Joint Motion to Continue Trial Date, which the Court incorporates by reference into this Order, demonstrates facts that support a continuance of the trial date in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and the defendants in a speedy trial; (ii) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (iii) failure to grant the continuance would unreasonably deny defendants continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking

1 into account the exercise of due diligence. These findings are based on the facts set  
2 forth in the parties' Stipulation and Joint Motion to Continue Trial Date—which the  
3 Court hereby incorporates by reference—including but not limited to the facts related  
4 to the COVID-19 pandemic.

5 THEREFORE, FOR GOOD CAUSE SHOWN:

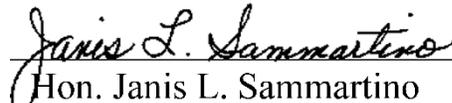
6 1. The trial in this matter is continued from January 10, 2022 to February 7,  
7 2022 at 9:00 a.m. A status conference is scheduled for January 28, 2022 at 2:00 p.m.

8 2. The time period of January 10, 2022 to February 7, 2022, inclusive, is  
9 excluded in computing the time within which the trial must commence, pursuant to 18  
10 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

11 3. Nothing in this Order shall preclude a finding that other provisions of the  
12 Speedy Trial Act dictate that additional time periods are excluded from the period  
13 within which trial must commence. Moreover, the same provisions and/or other  
14 provisions of the Speedy Trial Act may in the future authorize the exclusion of  
15 additional time periods from the period within which trial must commence.

16 IT IS SO ORDERED.

17 Dated: January 7, 2022

  
18 Hon. Janis L. Sammartino  
19 United States District Judge  
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