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Asst. Federal Public Defender  
7 Attorney for Defendant

8 IN THE UNITED STATES DISTRICT COURT  
9 DISTRICT OF ARIZONA

10 United States of America,  
11 Plaintiff,  
12  
13 v.  
14 Emiliano Gastelum-Parra,  
15 Defendant.

NO. 07-01434M

**DEFENDANT'S MOTION TO  
EXTEND TIME TO INDICT**

**(First Request) (Unopposed)**

(Reentry After Deportation)

16  
17 The above-named defendant, Emiliano Gastelum-Parra, who is accused of  
18 Reentry After Deportation in violation of 8 U.S.C. § 1326, being advised of the nature  
19 of the charges and of his rights in this matter, hereby moves this Court, pursuant to 18  
20 U.S.C. § 3161(h)(8)(A), for an extension of an additional thirty (30) days within which  
21 the Government must indict this matter as required by the Speedy Trial Act. 18 U.S.C.  
22 § 3161. The basis for this request is to permit the defendant time within which to review  
23 the facts in this matter, to review discovery and to investigate defenses prior to waiving  
24 rights to a number of hearings.

25 The government has made a plea offer in this matter and will withdraw this  
26 offer if not timely accepted before this matter is indicted. Thereafter, a plea offer, if any,  
27 will be less favorable to the defendant.  
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For the foregoing reasons, the defendant asserts that the ends of justice will be served by continuing for thirty (30) days the speedy indictment date and those ends outweigh the best interests of the public and those of the defendant. Counsel for the government has been consulted and does not object.

Excludable delay under 18 U.S.C. § 3161(h)(8)(A) and (h)(1)(F) may result from this motion or from an order based thereon.

Respectfully submitted this February 23, 2007.

JON M. SANDS  
Federal Public Defender

s/Matthew Johnson  
MATTHEW JOHNSON  
Asst. Federal Public Defender

I hereby certify that on *February 23, 2007*, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing and transmittal to the following ECF registrants:

TIMOTHY ANDREWS  
Assistant United States Attorney  
4035 S. Avenue A  
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BEVERLY R. MCCALLUM  
Assistant United States Attorney  
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Copy mailed to:

Defendant

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