USA v. Bonds Doc. 24

Case 3:07-cr-00732-SI Document 23 Filed 02/05/2008 Page 1 of 2

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Rule 43(b)(3), Fed. Rules Crim. Pro. It is further ordered that, prior to the date of the motions hearing, the defense shall file a written waiver, executed by Mr. Bonds, of his right to be present at the motions hearing. It is further ordered that there is excludable time through February 29, 2008, pursuant to 18 U.S.C. § 3161(h)(1)(F) due to the pending motion.

DATED: February 6 , 2008

Susan Illston, Judge United States District Court