

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 75-CR-26-3
No. 5:06-CV-24-F

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) MOTION TO CONTINUE
)
)
)
JEFFREY R. MACDONALD)
)
 Applicant/Defendant.)

NOW COMES THE APPLICANT/DEFENDANT, by and through counsel, and moves this Court for an order continuing the evidentiary hearing from October 31, 2011, for 60 or more days. In support of this motion, Defendant/Applicant submits the following:

1. Lead counsel has made a motion to withdraw from the case and new lead counsel needs to be designated by Defendant/Applicant;
2. There are multiple witnesses and extensive necessary preparation that require more time than previously anticipated;
3. Multiple witnesses' travel plans (including at least one that is out of state) have to be coordinated in order to efficiently present evidence;
4. The Government, through Assistant U.S. Attorney John Bruce, has consented to a 30 day continuance but also requests that the hearing not take place after 1/1/12.

WHEREFORE, the Defendant/Applicant respectfully requests that the Court grant this Motion to Continue.

Respectfully submitted this the 30th day of September, 2011.

/s/ J. Hart Miles, Jr.
J. Hart Miles, Jr.
N.C. State Bar No. 23342
P.O. Box 361
Raleigh, N.C. 27602
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION TO CONTINUE by electronic means through the CMF system which forwards an electronic notice the following attorney of record:

John Bruce, Assistant United States Attorney
U.S. Department of Justice - Criminal Division
Terry Sanford Federal Building
310 New Bern Avenue, Suite 800
Raleigh, NC 27601

This the 30th day of September, 2011.

/s/ J. Hart Miles, Jr.
J. Hart Miles, Jr.
Attorney for Defendant Jeffrey R. MacDonald
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THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 75-CR-26-3

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) **ORDER ON MOTION TO CONTINUE**
)
 JEFFREY R. MacDONALD,)
)
 Applicant/Defendant.)

ORDER

For good cause shown, Applicant/Defendant's Motion to Continue is hereby GRANTED
and the evidentiary hearing is continued to the _____, 20____ term of court.

SO ORDERED, this the ____ day of _____, 2011.

HONORABLE JAMES C. FOX
UNITED STATES DISTRICT JUDGE