

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 75-CR-26-3-F
No. 5:06-CV-23-F

UNITED STATES OF AMERICA,

v.

JEFFREY R. MacDONALD,
Movant.

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ORDER

This matter is before the court on motion [DE-251] by Jeffrey MacDonald's newest counsel, Mr. Widenhouse, to continue the evidentiary hearing on the "Britt Claim," currently scheduled to begin on April 30, 2012. The Government concedes that Mr. Widenhouse's request for time to familiarize himself with the case is made in good faith.

In order to accommodate this most recent substitution of counsel, MacDonald's motion to continue the evidentiary on the "Britt Claim" [DE-251] is ALLOWED. Counsel for the Government and Mr. Widenhouse are DIRECTED to confer and to advise the court within **ten (10)** days of this order of their joint preferred dates¹ for the hearing as between the following:

Monday, August 20 through Friday August 31, 2012, or

Monday, September 17 through Friday, September 28, 2012

Counsel are cautioned that the court does not intend to permit any further delay in this evidentiary hearing. If counsel cannot agree on a set of dates, then the court will select one and enter an order accordingly.

Counsel for the Government and Mr. Widenhouse both have suggested that the court would benefit from a presentation on the pending Innocence Protection Act ("IPA") motion during the April 30, 2012, time slot. As the IPA aspect of this litigation is being handled by Ms. Christine Mumma, the court reserves ruling on whether to schedule such a hearing until Ms.

¹ The court deems it prudent at this point to set aside two weeks for this hearing.

Mumma states her position. Ms. Mumma is DIRECTED to file her affidavit within **ten (10) days** of this order, specifying whether she concurs with counsel's suggestion, and if not, why not. The court would propose the **week of May 7, 2012**, for the suggested IPA argument, to accommodate the Government's schedule.

SUMMARY

Within ten (10) days of this order,

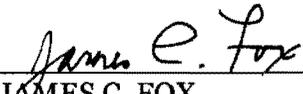
The Government and Mr. Widenhouse shall confer and select one of the two sets of dates proposed herein for MacDonald's evidentiary hearing on the "Britt Claim," and notify the court in writing of their selection; and

Ms. Mumma shall file her affidavit stating whether she agrees to a hearing on MacDonald's IPA claim during the week of May 7, 2012, and if not, why not.

Absent agreement on dates proposed for the two hearings, the court will enter an order setting a schedule that will not be subject to change.

SO ORDERED.

This, the 2d day of April 2012.



JAMES C. FOX
Senior United States District Judge