

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES BREHENY,

Defendant.

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:  
: CRIMINAL NO. 21-mj-434  
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**ORDER**

Upon review of the Consent Motion to Continue and Exclude Time for Indictment, it is hereby **ORDERED** that the Motion is **GRANTED IN PART**; it is further

**ORDERED** that the status hearing originally scheduled for August 4, 2021 is continued until October 27, 2021 at 1 PM before Magistrate Judge Harvey; and it is further

**ORDERED** that the time between August 25, 2021 and October 27, 2021 shall be excluded from calculation under the Speedy Trial Act. The Court finds that the ends of justice served by the granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial, as the continuance will provide the parties with additional time to review the voluminous discovery in this matter and to continue engaging in pretrial negotiations. The time period between August 20, 2021 and August 25, 2021 is excluded due to the pendency of the Motion to Continue. The Court denies the parties' request for an ends-of-justice continuance between August 4, and August 20, 2021, because such continuances should not retroactively toll periods of time that predate the parties' request. *See United States v. Suarez-Perez*, 484 F.3d 537, 542 (8th Cir. 2007). If the parties believe there is an alternate grounds to toll that period, they may raise that argument in a subsequent motion.



*Robin M. Meriweather*

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Robin M. Meriweather  
United States Magistrate Judge