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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:13-mj-00223-KJN
Plaintiff,)	
vs.)	STIPULATION AND PROPOSED
)	ORDER
MATTHEW GILLUM,)	Date: 11/15/13
Defendant)	Time: 2:00 p.m.
)	Judge: Edmund F. Brennan

IT IS HEREBY STIPULATED BY AND AMONG ALL PARTIES that the Preliminary Hearing currently set for October 31, 2013 at 2:00 p.m. is continued to November 15, 2013, at 2:00 p.m. pursuant to Federal Rule of Criminal Procedure, Rule 5.1(d). On July 23, 2013, a complaint was filed against Mr. Gillum and he made an initial appearance on July 24, 2013. Both parties are mutually requesting this continuance in order to work on resolving this matter pre-indictment.

It is further stipulated that good cause exists to extend the time for the Preliminary Hearing within the meaning of Rule 5.1(d). The parties further stipulate that the ends of justice are served by the Court excluding time from October 31, 2013, to November 15, 2013, so that counsel for the defendant may have reasonable time necessary for preparation, taking into account the exercise of due diligence. 18 U.S.C. Section 3161(h)(7)(B)(iv). The defendant, defense counsel and the government stipulate and agree that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. Section 3161(h)(7)(A); Local Code T-4, preparation of counsel.

1 **IT IS SO STIPULATED.**

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3 DATED: October 30, 2013

By: /s/ Thomas A. Johnson
THOMAS A. JOHNSON
Attorney for Defendant
Matthew Gillum

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6 DATED: October 30, 2013

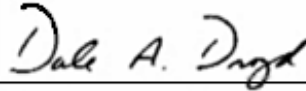
BENJAMIN B. WAGNER
United States Attorney

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8 By: /s/ Thomas A. Johnson for
JUSTIN LEE
Assistant U.S. Attorney

9
10 **ORDER**

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12 **IT IS HEREBY ORDERED:** That the Preliminary Hearing scheduled for
13 October 31, 2013, is continued to November 15, 2013. It is further ORDERED that the
14 time under the Speedy Trial Act between today's date and November 15, 2013, is
15 excluded under Local Code T-4, and 18 U.S.C. § 3161(h)(7)(B)(iv) to ensure adequate
16 time for preparation of counsel. For the reasons set forth above, the court finds that the
17 ends of justice served by a continuance outweigh the best interests of the public and the
18 defendants in a speedy trial and therefore excludes time through November 15, 2013.

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20 Dated: October 30, 2013

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23 DALE A. DROZD
24 UNITED STATES MAGISTRATE JUDGE

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28 13mj0223.Gilliam.stip.cont.