UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Mag. No. 21-13425 (LDW)
	:	
v.	:	**ORDER FOR A CONTINUANCE**
	:	
ARLEN ENCARNACION	:	

1. This matter having come before the Court on the joint application of Philip R. Sellinger, United States Attorney for the District of New Jersey (Mark C. Orlowski, Assistant U.S. Attorney, appearing), and defendant Arlen Encarnacion (Lorraine Gauli-Rufo, Esq., appearing), for an order granting a continuance under 18 U.S.C. § 3161(h)(7)(A) through June 15, 2023.

2. This Court previously granted five § 3161(h)(7)(A) continuances in this case.

3. Counsel for the parties represented that this additional continuance is necessary for effective preparation and to permit the parties to attempt to resolve this case prior to indictment and thereby avoid a trial.

4. Counsel for the United States also represented that this additional continuance is necessary to prevent any more non-excludable days under § 3161(h) from expiring.

5. The defendant knows that he has the right under § 3161(b) to have this matter submitted to a grand jury withing thirty days after his arrest.

6. The defendant, through counsel, has consented to this continuance.

7. FOR GOOD CAUSE, THIS COURT FINDS that this case should be continued for the following reasons:

(1) Plea negotiations are currently in progress, and both the United States and the defendant seek additional time to achieve successful resolution of those negotiations, which would render trial of this matter unnecessary, and to allow consideration by the court of a proposed plea agreement entered into by the defendant and the United States;

(2) The defendant has consented to the aforementioned continuance;

(3) The grant of a continuance will likely conserve judicial resources; and

(4) Pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial;

IT IS, therefore:

ORDERED that this action is continued from April 14, 2023 through and including June 15, 2023; and it is further

ORDERED that those days are excluded in computing time under the Speedy Trial Act of 1974, and it is further

ORDERED that nothing in this Order or the application prompting it is a finding or representation that less than 31 non-excludable days under § 3161(h) have expired.

Leda Dunn Wettre

HONORABLE LEDA DUNN WETTRE
United States Magistrate Judge

Dated: April 10, 2023

Form and entry consented to:

Mark C. Orlowski
Assistant U.S. Attorney

Lorraine Gauli-Rufo, Esq.
Counsel for Defendant Arlen Encarnacion