

FILED

OCT 15 2009

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY: Y. A. WILLIAMS
DEPUTY CLERK**

**IN RE:)
)
PLAN FOR PROMPT DISPOSITION) **GENERAL ORDER NO. 479**
OF CRIMINAL CASES PURSUANT)
TO SPEEDY TRIAL ACT OF 1974)
_____)**

Under General Order No. 92, the court adopted its Plan for Prompt Disposition of Criminal Cases pursuant to the requirements of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974, and the Federal Juvenile Delinquency Act.


Section 6 of the Plan sets forth the Computation of Excludable Time. Subsection 6(b)(1) requires that "Determinations concerning excludable time shall be made on the record by the Court" and Subsection 6 requires that "The clerk of the Court shall enter on the docket information with respect to any periods of excludable time as to each defendant which have been determined on the record by the Court."

In order to facilitate the recording of excludable time on the record and in docket entries, the court has developed Excludable Delay Codes with arabic numerals corresponding to specific statutory provisions of 18 U.S.C. §3161(h) to be used at the discretion of each judge. Individual judges have found that the use of the codes helps to expedite court proceedings and the entry of docket information.

From time to time, it becomes necessary to update the Excludable Delay Codes to correspond to amendments to 18 U.S.C. §3161(h). Therefore, the court adopts the attached updated Excludable Delay Codes as modified on August 24, 2009. Individual judges may utilize the codes at their discretion.

Dated: October 15, 2009.

FOR THE COURT:



ANTHONY W. ISHII, Chief Judge
Eastern District of California

EXCLUDABLE DELAY CODES

Modified on 8/24/09

<u>18:3161</u>	<u>CODE</u>	<u>EXCLUDABLE DELAY CODES</u>
(h)(1)(A)	A	Exam or hearing for mental or physical incapacity (18 U.S.C. § 4244)
(h)(1)(A)	B	NARA Exam (28 U.S.C. § 2902)
(h)(1)(B)	C	State or Federal trials or other charges pending
(h)(1)(C)	D	Interlocutory Appeals
(h)(1)(D)	E	Pretrial Motions (from filing to hearing or other prompt disp.)
(h)(1)(E)	F	Transfers from other districts
(h)(1)(F)	G	Proceedings under advisement not to exceed 30 days
	H	Miscellaneous proceedings: parole or probation revocation, deportation or extradition
(h)(2)	5	Deferral of prosecution under 28 U.S.C. § 2902
(h)(1)(F)	6	Transportation from another district or to/from examination or hospitalization in ten days or less
(h)(1)(G)	7	Consideration by court of proposed plea agreement
(h)(2)	I	Prosecution deferred by mutual agreement
(h)(3)(A)(B)	M	Unavailability of defendant or essential witness
(h)(4)	N	Period of mental or physical incompetence of defendant to stand trial
(h)(4)	O	Period of NARA Commitment or treatment
(h)(5)	P	Superseding indictment and/or new charges
(h)(6)	R	Defendant awaiting trial of co-defendant when no severance granted
(h)(7)(A)(B)	T	Continuance granted per (h)(7) - use "T" alone if more than one of the reasons below are given in support of continuance
(h)(7)(B)(i)	T1	1) Failure to continue would stop further proceedings or result in miscarriage of justice
(h)(7)(B)(ii)	T2	2) Case unusual or complex
(h)(7)(B)(iii)	T3	3) Indictment following arrest cannot be filed in 30 days
(h)(7)(B)(iv)	T4	4) Continuance granted in order to obtain or substitute counsel; give reasonable time to prepare
(i)	U	Time up to withdrawal of guilty plea
(b)	W	Grand jury indictment time extended 30 days