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JAN 26 2010	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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1 DENNIS K. BURKE
United States Attorney
District of Arizona

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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF ARIZONA

9 United States of America,

10 Plaintiff,

11 v.

12 Daniel Rigmaiden,
a.k.a. Steven Travis Brawner,
13 a.k.a. Travis Rupard, and
a.k.a. Patrick Stout,

14 Defendant.

CR 08-814-PHX-DGC

**UNITED STATES' MOTION TO
EXTEND TIME IN WHICH TO FILE
ITS RESPONSE TO DEFENDANT'S
MOTION FOR COURT ORDER
PROHIBITING VINDICTIVE
SUPERSEDING INDICTMENT**

(Filed Under Seal)

SEALED

16 The United States moves for an extension to file its Response to Defendant's Motion for
17 Court Order Prohibiting Vindictive Superseding Indictment until January 26, 2010.

18 The defendant's motion was ordered filed by the Court on January 7, 2010. Once
19 defendant was authorized to represent himself, the government again attempted to offer to
20 resolve this case via a plea agreement with defendant and offered to any deadlines regarding any
21 potential plea agreement and superseding indictment. These overtures were ultimately rejected
22 by defendant. While attempting to resolve this case without further litigation and a superseding
23 indictment, the prosecutor assigned to the case did not appropriately calendar the due date for
24 its response to defendant's motion. The response was untimely by 5 days. The United States
25 requests that the Court issue an Order extending the due date for the response to the day it was
26 filed, which was January 26, 2010.


27 Defendant has notified the government, via letter dated January 18, 2010, that he would
28 not agree to an extension of time for the government to file its response to the subject motion.

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1 It is expected that excludable delay under 18 U.S.C. § 3161(h) may occur as a result of
2 this motion or an order based thereon.

3 Respectfully submitted this 26th day of January, 2010.

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5 DENNIS K. BURKE
6 United States Attorney
7 District of Arizona

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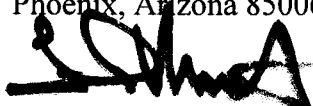
9 FREDERICK A. BATTISTA
10 Assistant U.S. Attorney

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12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on January 26, 2010, I caused the attached document to be filed under
14 seal with the Clerk's Office and a copy to be mailed to defendant and defendant's shadow
15 counsel Philip A. Seplow at the following addresses:

16
17 Daniel Rigmaiden
18 Agency No. 10966111
19 CCA-CADC
20 Post Office Box 6300
21 Florence, Arizona 85132

22 Philip A. Seplow
23 Attorney at Law
24 2000 North 7th Street
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27 FREDERICK A. BATTISTA
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