



action outweigh the best interest of the public and the defendant in a speedy trial.” § 3161(h)(7)(A). In determining whether to grant a continuance under § 3161(h)(7), the court shall consider, among other things, “whether the failure to grant such a continuance in the proceeding would likely . . . result in a miscarriage of justice.” § 3161(h)(7)(B)(I).

Defendant was indicted on December 13, 2011, on sixteen counts of fraud in connection with access devices in violation of 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2; sixteen counts of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) and 18 U.S.C. § 2; one count of possession of unauthorized access devices in violation of 18 U.S.C. § 1029(a)(3) and 18 U.S.C. § 2; and one count of stealing, purloining, and knowingly converting tax refunds in violation of 18 U.S.C. § 641. (Doc. # 1.) Trial is set for the October 1, 2012, trial term. (Doc. # 39 at 2.)

In an unopposed motion filed under seal, Defendant now seeks to continue the trial. (Doc. # 64.) The motion sets out reasons showing that failure to grant Defendant’s request would likely result in a miscarriage of justice.

Based on the foregoing and the circumstances of this case, the court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Defendant’s right to a speedy trial. For the reasons set out in Defendant’s motion, failure to grant the continuance would “result in a miscarriage of justice.”

It is therefore ORDERED that the Motion to Continue (Doc. # 64) is GRANTED, and that the trial of Defendant is CONTINUED from the term of court beginning October 1, 2012, to the criminal term of court beginning **January 7, 2013**, in Montgomery, Alabama. The Magistrate Judge shall conduct a pretrial conference prior to the **January 7, 2013**, trial term.

DONE this 20th day of September, 2012.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE