

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
(CRIMINAL MINUTE ORDER)

Case No. CR-10-3019-TUC-DCB

Date: April 26, 2011

Title: *United States v. Mendez, Jr., et al.*

HONORABLE DAVID C. BURY

Proceedings: Open Court Chambers Other

PLEASE TAKE NOTICE:


Defendant argues that he has suffered actual prejudice based on the delay in obtaining the indictment.

The Court does not find that Defendant has met the heavy burden to prove such actual prejudice. *United States v. Sparks*, 87 F.3d 276, 279 (1996). This is designated a complex criminal action that took the Government three years of investigation from the last overt act of the conspiracy to obtain indictments. There is no evidence of intentional delay.

After consideration of the Motion to Dismiss for Pre-Indictment Delay and the Government's Response,

IT IS ORDERED that Defendant's Motion to Dismiss (Doc. 93) is DENIED.

DATED this 26th day of April, 2011.



David C. Bury
United States District Judge