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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,

10 v.

11 **ATF**

12 Defendant.

CR11-065-PHX-GMS (MHB)
**MOTION TO DISMISS
INDICTMENT WITHOUT
PREJUDICE**

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14 The United States of America, by and through it attorneys undersigned, respectfully
15 requests, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, that this Honorable
16 Court enter an order dismissing, without prejudice, the Indictment against defendant **ATF**
17 **ATF** in the interest of justice and judicial economy.

18 Defendant is being prosecuted for his role in a multi-defendant firearms trafficking
19 conspiracy in CR11-0126-PHX-JAT (LOA). This indictment includes charges and allegations
20 against defendant which are not identical to the charges contained in the instant indictment, but
21 which address the same criminal conduct. Because defendant's offenses are addressed in the
22 conspiracy case, the government requests the instant Indictment be dismissed without prejudice.

23 Undersigned counsel has spoken with Candice Lynn Shoemaker, counsel for the
24 defendant, and has been advised that the defendant does not oppose this motion.

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1 It is not anticipated that excludable delay under 18 U.S.C. § 3161 will occur as a result
2 of this motion or an order based thereon.

3 Respectfully submitted this 8th day of February, 2011.

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

7 /s/ Emory T. Hurley

8 EMORY T. HURLEY
9 Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

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13 I hereby certify that on the above date, I electronically transmitted the attached document to the
14 Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic
15 Filing to the following CM/ECF registrants: Candice Lynn Shoemaker.

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,
Plaintiff,

CR11-065-PHX-GMS (MHB)

ORDER

v.

ATF

Defendant.

Upon motion of the government, in the best interests of justice and good cause appearing,
IT IS HEREBY ORDERED dismissing the presently pending indictment without
prejudice.

Dated this ___ day of February, 2011.

HONORABLE G. MURRAY SNOW
United States District Judge