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*order tm*

DEC 14 2003

*Shen*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA                      CASE NUMBER: 03-20092-01  
VERSUS    JUDGE MELANCON  
GREGORY JAMES CATON                      MAGISTRATE JUDGE HILL

\*\*\*\*\*

**MOTION FOR CONTINUANCE AND RESETTING THE TRIAL DATE**

NOW BEFORE THE COURT, comes the defendant and moves as follows:

1.

At the arraignment, this matter was scheduled for trial on January 20, 2004 with a pre-trial conference set on December 18, 2003 at 11:00 a.m.

2.

The Scheduling Order was created prior to the arraignment and the actual prosecutor for the government was not present.

3.

Counsel for defendant Caton is counsel in the case of *Toston v. Pardon*. Counsel has been informed that that matter is scheduled for oral argument in the Louisiana Supreme Court beginning at 9:00 a.m. on January 22, 2004 in New Orleans.

*(2)*

4.

The pre-trial conference was set by this Court for December 18, 2003.

5.

Counsel for defendant Caton is also counsel in the case of *Gill, et al v. Becnel*. Counsel is scheduled for a motion to new trial on December 18, 2003 in Mississippi. This motion for new trial requires counsel's personal appearance and had been scheduled for some time prior to December 18, 2003.

6.

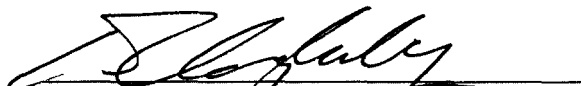
While the Caton case may end prior to that time, it is possible that it could run into the 22<sup>nd</sup> of January, and counsel must conduct oral argument in the Supreme Court on January 22<sup>nd</sup>.

7.

The prosecutor's office has advised that they have no objection to continuance of this trial, the defendant remains in custody, and the evidence is such that delay in no fashion prejudices either side.

WHEREFORE, defendant Caton prays that this matter currently scheduled for a January 20, 2004 be continued and to a date and time to be set by the Honorable Court.

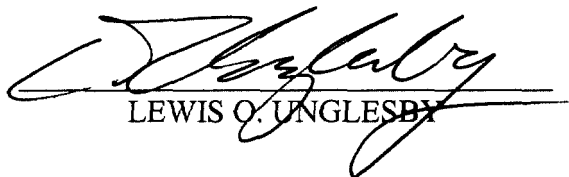
By Attorneys:



LEWIS O. UNGLESBY (#12498)  
UNGLESBY & MARIONNEAUX  
246 Napoleon Street  
Baton Rouge, Louisiana 70802  
Telephone: (225) 387-0120  
Facsimile: (225) 336-4355

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record via United States Mail, First Class postage prepaid and properly addressed or via Facsimile Transmission on this 8<sup>th</sup> day of December, 2003.



LEWIS O. UNGLESBY

DEC 11

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA

CASE NUMBER: 03-20092-01

VERSUS

JUDGE MELANCON

GREGORY JAMES CATON

MAGISTRATE JUDGE HILL

\*\*\*\*\*

ORDER

CONSIDERING THE ABOVE AND FOREGOING,

IT IS ORDERED that the trial currently scheduled to begin on January 20, 2004 be reassigned to begin on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 at \_\_\_\_ o'clock \_\_\_\_ .m.

IT IS FURTHER ORDERED that the pretrial conference scheduled for December 18, 2003 be rescheduled on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 at \_\_\_\_ o'clock \_\_\_\_ .m.

Lafayette, Louisiana this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_

\_\_\_\_\_  
JUDGE UNITED STATES DISTRICT COURT

RECEIVED

DEC 11 2003

*Order*

# UNGLESBY & MARIONNEAUX, LLC

*Trials and Appeals*

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†LEWIS O. UNGLESBY  
ROBERT M. MARIONNEAUX, JR.

PLEASE REPLY TO:  
BATON ROUGE

December 8, 2003

The Honorable Catherine B. Carter  
Deputy Clerk-in-Charge  
2100 John M. Shaw  
United States Courthouse  
800 Lafayette Street  
Lafayette, Louisiana 70801

Re: USA v. Gregory J. Caton

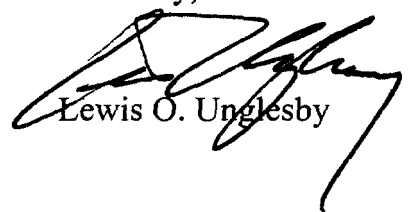
Dear Ms. Carter:

Please find enclosed an original and one (1) copy of a Motion and Order for Continuance and Resetting the Trial Date in the above encaptioned matter. I ask that you file the original and return one copy date stamped in the self-addressed stamped envelope.

*done*

Thanking you for your cooperation in this matter.

Sincerely,



Lewis O. Unglesby

LOU/llw

Enclosures

cc: Mr. Larry Regan  
Mr. Richard Moreno