

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSEPH P. NACCHIO,

Defendant-Appellant.

No. 07-1311
(D.C. No. 05-cr-00545-EWN)

ORDER

Filed August 22, 2007

Before **KELLY, McCONNELL**, and **HOLMES**, Circuit Judges.

This matter comes before the court on defendant-appellant Joseph P. Nacchio's Application for Release Pending Appeal. Upon consideration thereof and the standards set forth in 18 U.S.C. § 3143(b), the application is GRANTED. The same terms and conditions for release pending trial and sentencing set by the district court shall remain in effect pending appeal.

This matter will be heard on an expedited basis. All necessary transcripts are on file, and the record is complete. Consequently, Mr. Nacchio's brief and appendix shall be filed on or before October 9, 2007. The government's response shall be filed on or before November 9, 2007. The optional reply, if Mr. Nacchio

chooses to submit one, shall be filed on or before November 20, 2007. In light of this expedited schedule, the parties are cautioned that motions for extension of time will be viewed with disfavor. All briefs, as well as the appendix, must be filed in compliance with all applicable Federal Rules of Appellate Procedure and local rules of this court. In addition, we direct the parties' attention to our General Order regarding e-submissions, which can be found on the court's website.

This matter will be set for oral argument in mid-December 2007. The parties will be advised of the exact date and time when the setting is finalized.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

By:
Deputy Clerk