

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA §
 §
v. § **EP-07-CR-00087-KC**
 §
LUIS POSADA CARRILES §

ORDER

On this day, the Court considered Defendant Luis Posada Carriles’s (“Posada”) Motion to Continue Due to Government’s Belated Discovery, ECF No. 554. Upon due consideration, the Court finds that a continuance is unwarranted and the Motion should be **DENIED**. However, the Court recognizes that the government’s tardy delivery of this very large number of materials may cause hardship for Posada’s defense at trial. The Court recalls that the government has indicated that it has provided Posada with this large number of materials “to be comprehensive in its disclosures in the unlikely event that it may need to call more than the two to three witnesses from Cuba that it currently intends” Gov’t’s Resp. to Def.’s Mot. to Exclude Discovery Materials 9, ECF No. 536. Further, the government has stated that it “may, in any event, seek the admission of a small fraction of the Cuba documents at trial.” *Id.* Based upon the Court’s concerns that the government’s disclosure process could cause unfair hardship to Posada’s defense at trial, the Court finds it necessary to **RECONSIDER** its prior ruling on this matter. Accordingly, the Court **HOLDS IN ABEYANCE** Posada’s request for sanctions until such time as the Court has the opportunity to determine the actual hardship to Posada’s defense at trial, if any, and the size and nature of the “small fraction” of the challenged evidence that the government seeks to introduce at trial, if indeed it seeks to introduce any of it at all.

SO ORDERED.

SIGNED on this 22nd day of December, 2010.

A handwritten signature in black ink, reading "Kathleen Cardone", is written over a horizontal line. The signature is cursive and fluid.

KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE