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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	Cause No. MCR 09-10-M-JCL
)	MOTION TO VACATE PRELIMINARY
Plaintiff,)	HEARING AND DETENTION HEARING
vs.)	
)	
DANIEL WILSON NANIA,)	
)	
Defendant.)	

COMES NOW, the above named Defendant by his counsel of record, John E. Smith, SMITH & STEPHENS, P.C., to move the Court to vacate the preliminary hearing and detention hearing presently scheduled for Monday, March 23, 2009 at 12:00 p.m. The parties are in agreement with a recommendation to the Court for inpatient treatment at Connections Corrections Program in Butte, Montana.

Therefore, a detention hearing is unnecessary.

In addition, the above named Defendant waives his right to preliminary hearing pursuant to Rule 5 Fed. R. Crim. P. Defendant's signed waiver is attached hereto as Exhibit A.

Counsel for the United States, Tara Elliott, has been contacted regarding this Notice and registers no objection.

Respectfully submitted this 20th day of March, 2009.

/s/ John E. Smith

John E. Smith

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following by mail, hand-delivery, Federal Express or facsimile:

Tara Elliott
U.S. Attorney's Office
105 East Pine Street
Missoula, MT 59802

U. S. Mail
 Hand-Delivery
 Federal Express
 Facsimile

DATED this 20th day of March, 2009.

/s/ John E. Smith