

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
U.S. MAGISTRATE JUDGE GORDON P. GALLAGHER

Case No. 15-mj-00023-GPG
Date: July 27, 2017

Court Deputy: A. Barnes
Recorder: Grand Junction

UNITED STATES OF AMERICA,
Plaintiff
v.

DAN R. OBANION (Def 2),
Defendants.

Minutes–Status Hearing

9:02 a.m.

Defendant (1), Wincenty Kondyjowski, was previously dismissed from this case.

Defendant (2), Dan R. Obanion, *pro se*, did not appear; however, his advisory counsel, Daniel Shaffer appeared in person. AUSA Peter Hautzinger appeared.

Advisory Counsel Shaffer advised the Court that at approximately 8:30 p.m. on the night of July 26, 2017 (one night previous to this hearing), Mr. Shaffer had received an email from Mr. Obanion stating that he (Mr. Obanion) was ill and had been ill for several days and could not therefore attend Court. Further, he had requested Court be cancelled. Mr. Shaffer had replied and suggested that Mr. Obanion be available via telephone.

AUSA Hautzinger orally moved the Court to dismiss this case without prejudice due to the length of the case and the fact that now the primary witness was no longer in-state nor a government employee; the lead archaeologist had retired; and considering the responsible use of taxpayer funds, pragmatically the cost of prosecuting the case vis-a-vis the justice to be served was growing tenuous.

Attorney Shaffer could not advise the Court on Mr. Obanion's position due to his unavailability.

***FINDINGS AND ORDER:** The interests of justice are served by GRANTING the Motion to Dismiss without prejudice.

***FINDINGS AND ORDER:** Although the Court considered the fact that it had ordered and notified, and sent the notice via Certified Mail Return Receipt Requested, Mr. Obanion to be present in Court today, it was not going to consider the issuance of an Arrest Warrant for his failure to appear given that the case was now dismissed.

*ORDERED: All expert witness work/fees after this date/time shall cease; nor shall further payments for said experts be paid for work performed beyond this date/time.

*ORDERED: The Clerk of the Court shall mail a copy of this Order to Mr. Obanion via certified mail, return receipt requested.

Hearing concluded: 9:13 a.m.

Hearing duration: 11 minutes