

UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH DAKOTA
 WESTERN DIVISION

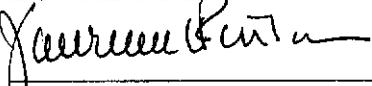
FILED
 DEC 09 2009
 Clerk

UNITED STATES OF AMERICA,	*	CR 08-50079
	*	
Plaintiff,	*	
	*	
vs.	*	ORDER
	*	
JOHN GRAHAM, a/k/a/ John Boy Patton,	*	
VINE RICHARD MARSHALL, a/k/a	*	
Richard Vine Marshall, a/k/a	*	
Dick Marshall,	*	
	*	
Defendant.	*	
	*	

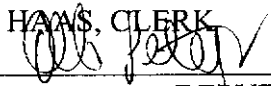
Pending before the Court is a Motion to Quash Subpoena of Theda Clark. (Doc. 337.) The motion seeks to quash a subpoena requiring Theda Clark to appear as a material witness in the trial of this case which was scheduled to begin on May 12, 2009. The government's appeal to the Eighth Circuit after this Court dismissed a count of the indictment against Graham resulted in a continuance of the May 12 trial, which in turn rendered moot the Motion to Quash Subpoena of Theda Clark. Accordingly,

IT IS ORDERED that the Motion to Quash Subpoena of Theda Clark, doc. 337, is denied as moot, without prejudice to Ms. Clark's right to renew the motion if she is served with a subpoena for a future trial date.

Dated this 9th day of December, 2009.

BY THE COURT:


 Lawrence L. Piersol
 United States District Judge

ATTEST:
 JOSEPH HAYS, CLERK
 BY: 

 DEPUTY