

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 04-60001-CR-COOKE/BROWN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSÉ PADILLA,

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART FEDERAL BUREAU OF
PRISONS' REQUEST FOR EXTENSION OF TIME TO CONDUCT DEFENDANT JOSÉ
PADILLA'S MENTAL COMPETENCY EVALUATION**

THIS CAUSE came before the Court on the Federal Bureau of Prisons' [BOP] January 3, 2007 request for an extension of time within which to conduct Defendant Jose Padilla's mental competency evaluation. The BOP requests that Padilla's evaluation period be extended until January 30, 2007. The BOP requests this extension because according to prison officials the Defendant has not been "compliant with psychological testing to date; thereby, necessitating greater reliance on staff observations." The BOP also seeks an additional fifteen days after the termination date of the examination period within which to complete the attendant report. Barring any further delays, this timetable would result in the report being ready for this Court's review by February 15, 2007.

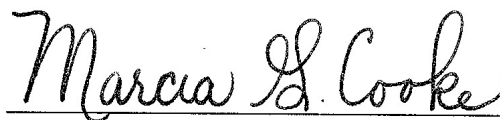
For the past year, Padilla has been assigned to the Special Housing Unit with specific protocols that have enabled the staff to observe his behavior. Furthermore, all records pertaining to his present confinement and any prior confinement, should be accessible within a reasonable time frame for the appropriate mental health professional to begin "collateral record review." Moreover, this Court ordered that Defendant Padilla's medical records from his time in custody prior to the

criminal case be made available for review some time ago [D.E. 572].

As discussed at length during the hearing held on this matter on December 18, 2006, there are substantive motions that are still outstanding in this proceeding. The resolution of many of these motions is contingent upon the results of the BOP's mental health evaluation and the determination of Defendant Jose Padilla's competency. Consequently, this Court cannot proceed to trial until these motions are adequately resolved. This Court is mindful that it is requesting that the BOP conduct the competency evaluation process in an expedited fashion. However, with the January 22, 2007 trial date quickly approaching, and the inability of this Court to rule upon crucial motions prior to the completion of the mental competency evaluation process, this Court finds the BOP's request unreasonable. The BOP shall have until **January 12, 2007** within which to complete the mental competency examination and until **January 16, 2007** to have the attendant report ready for this Court's review. Accordingly, it is hereby,

ORDERED AND ADJUDGED that the request is **GRANTED IN PART AND DENIED IN PART** and the BOP shall have until **January 12, 2007** to complete Padilla's mental competency evaluation, and until **January 16, 2007** to submit the attendant report to this Court for review.

DONE AND ORDERED in Chambers at the United States District Courthouse in Miami-Dade County, Florida this 5th day of January, 2007.



MARCIA G. COOKE
United States District Judge

copies furnished to: *All counsel of Record*