

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:17-CR-525-T-17CPT

THOMAS R. CASTILLO

a/k/a Thomas Castillo El Bey

a/k/a Tutankhamun Castillo El Bey

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ORDER

This cause is before the Court on:

Dkt. 38	Order
Dkt. 39	Motion for Miscellaneous Relief
Dkt. 40	Motion for Miscellaneous Relief
Dkt. 42	Consolidated Response

Defendant Thomas R. Castillo is proceeding pro se in this case,
with standby counsel.

Defendant Castillo has filed the above Motions; the meaning and intention of the Motions is not completely clear to the Court. In an abundance of caution, because Defendant Castillo is proceeding pro se, the Court construed the Motions liberally as a challenge to the sufficiency of the Indictment (Dkt. 1). The Indictment states that the Grand Jury charges Defendant Castillo with two Counts of violation of 18 U.S.C. Secs. 287 and 2. The Court notes that Defendant Castillo has also included a request for an extension of time up to 61 days "for filing documents to aid his defense properly." (Dkt. 40).

The Government has filed its response in opposition. The Government argues that Defendant's Motions do not allege any specific defects in the Indictment or offer any colorable challenges to its sufficiency. The Government states that the Indictment was returned on November 2, 2017 by a legally constituted and unbiased federal grand jury. The Government further argues that the Indictment alleges that Defendant Castillo committed each of the essential elements of the crimes charged, so that Defendant Castillo can prepare his defense and invoke the double jeopardy clause should Defendant Castillo subsequently be charged for the same criminal conduct.

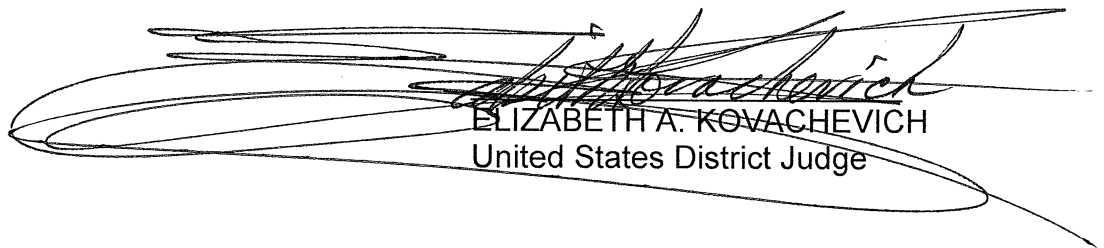
The Indictment tracks the provisions of 18 U.S.C. Sec. 287. The Indictment alleges each element of a violation of 18 U.S.C. Sec. 287. Defendant Castillo does not allege that the Grand Jury did not properly return the Indictment or that the Indictment does not allege the essential elements of the crime charged. The Court adopts and incorporates the Government's Response, and denies the Motions to Dismiss.

As to Defendant Castillo's request for an extension of time, Defendant Castillo does not make any showing of good cause. An Order setting the deadline for pretrial motions was entered (Dkt. 33), and the assigned Magistrate Judge explained the significance of the Order and the consequences for noncompliance (Dkt. 34). Accordingly, it is

ORDERED that pro se Defendant Thomas R. Castillo's Construed Motion to Dismiss (Dkt. 39) and Motion to Dismiss (Dkt. 40) are **denied**, and the request for extension of time (Dkt. 40) is **denied**. The Clerk of Court **shall provide** a copy of this Order to pro se Defendant by U.S. Mail.

Case No. 8:17-CR-525-T-17CPT

DONE and ORDERED in Chambers in Tampa, Florida on this 19th day of April, 2018.



ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record

Pro Se Defendant Thomas R. Castillo
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