

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:18-cr-68-FtM-38MRM

JUAN CARLOS ALFARO GARCIA

ORDER¹

Before the Court is Defendant Juan Carlos Alfaro Garcia's Motion to Withdraw Plea of Guilty ([Doc. 36](#)) and Motion to Continue ([Doc. 37](#)). Defendant initially pled not guilty to violating 8 U.S.C. § 1326(a) and (b)(1). ([Doc. 15](#)). He then signed a plea agreement. ([Doc. 36 at ¶ 3](#)). But, before Defendant's change of plea hearing, he filed the instant motion. And he wants to withdraw his so-called guilty plea because another district court recently dismissed an indictment on a charge like the one Defendant faces here. ([Doc. 36 at ¶ 4-5](#)).

Even setting aside this case's procedural history, a "[a] defendant has an absolute right to withdraw a guilty plea before the district court accepts it." [United States v. Villalona](#), 506 F. App'x 902, 904 (11th Cir. 2013). And because this Court has not yet accepted his guilty plea, Defendant may withdraw a guilty plea "for any reason or no reason." [Fed. R. Crim. P. 11\(d\)\(1\)](#). The Court thus will set this case for a status conference on November 13, 2018.

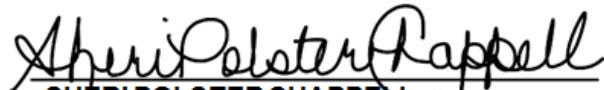
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Accordingly, it is now

ORDERED:

- (1) Defendant Juan Carlos Alfaro Garcia's Motion to Withdraw Plea of Guilty ([Doc. 36](#)) is **GRANTED**.
- (2) Defendant Juan Carlos Alfaro Garcia's Motion to Continue ([Doc. 37](#)) is **GRANTED**.
- (3) The above-captioned case is set for a status conference on **November 13, 2018, at 9:30 a.m.** before the Honorable John E. Steele, Senior United States District Judge, in Courtroom 6A of the United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.
- (4) The Clerk is **DIRECTED** to issue a notice of hearing under separate cover.

DONE AND ORDERED at Fort Myers, Florida, this November 9, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record