

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

No. 21-98

SHIVA AKULA

SECTION I

ORDER & REASONS

Before the Court is the government’s motion to continue the trial in the above-captioned matter.¹ *Pro se* defendant Shiva Akula’s (“Akula”) opposes² the motion. For the reasons below, the Court grants the motion in part.

The trial in this matter is currently set for June 12, 2023.³ The government states that a continuance is necessary because “two members of the prosecution team, including one of the two prosecutors, will be unavailable and out of the country the week of June 12, 2023.”⁴ The government requests that the trial be continued to July 17, 2023.⁵ Alternatively, the government requests that the Court set a telephonic status conference to discuss a trial date.⁶

Akula argues that the government’s motion to continue “is grossly deficient as it does not state the basis of why the government is requesting a trial continuance.”⁷

¹ R. Doc. No. 186.

² R. Doc. No. 191.

³ *See* R. Doc. No. 161 (setting this trial date).

⁴ R. Doc. No. 186-1, at 2.

⁵ R. Doc. No. 186, at 1.

⁶ *Id.*

⁷ R. Doc. No. 191, at 1.

He further argues that the government's motion does not comply with the Court's local rules because it lacks a memorandum in support or a statement of reasons supporting the continuance.⁸ He asserts that "the government is not ready for trial" because its "case is weak and unsustainable for a conviction."⁹ He also reiterates his objections to the government's position on witness statement disclosures, which are the subject of several motions currently pending before the Court,¹⁰ and argues that he "opposes any motion setting or continuing a trial date where he has not been provided with" the witness statements.¹¹

Akula's complaints about the government's motions alleged procedural deficiencies are misplaced.¹² The government's motion contains a memorandum in support,¹³ a proposed order,¹⁴ a notice of submission,¹⁵ and clearly states the reason for the requested continuance.¹⁶

Akula's arguments regarding the witness statements are, as noted previously, addressed in other motions pending before this Court. Those arguments do not provide a basis for denying the instant motion, and will be addressed in connection with the aforementioned motions. His assertions regarding the alleged weakness of

⁸ *Id.* at 2.

⁹ *Id.* at 2–3.

¹⁰ R. Doc. Nos. 173, 177, 183.

¹¹ R. Doc. No. 191, at 4.

¹² Akula relies on the local civil rules, which do not apply in this criminal proceeding.

¹³ R. Doc. No. 186-1.

¹⁴ R. Doc. No. 186-2.

¹⁵ R. Doc. No. 186-3.

¹⁶ The government previously filed motions that did not comply with relevant local rules, but those motions were marked deficient by the Clerk of Court and are not before this Court. *See* R. Doc. Nos. 165, 174.

the government's case are unsupported and likewise do not provide a reason to deny the instant motion.

Moreover, the Court notes that Akula has previously requested a continuance of the trial until August of 2023.¹⁷ He has also filed a motion to vacate the June trial date based on the government's position regarding witness statements.¹⁸

Due to the unavailability of members of the prosecution team during the current trial date, the Court finds that the ends of justice are served by a continuance of the above-captioned matter and that those interests outweigh the best interests of the defendant and the public in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A). In particular, the Court finds that failure to grant a relatively brief continuance is reasonable as counsel for the government have longstanding plans to be out of the country during the current trial date. The period of delay resulting from the granting of this continuance shall be excluded under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161.

IT IS ORDERED that the motion¹⁹ to continue is **GRANTED IN PART**.

IT IS FURTHER ORDERED that the trial is **CONTINUED** to **JULY 10, 2023, at 8:30 A.M.**

¹⁷ R. Doc. No. 157, at 19 (Akula's opposition to the government's motion for a scheduling order, arguing that the trial should be continued to mid-August).

¹⁸ R. Doc. No. 177.

¹⁹ R. Doc. No. 186.

IT IS FURTHER ORDERED that the government's motion²⁰ to expedite hearing on its motion for a telephonic status conference is **DISMISSED AS MOOT**.

New Orleans, Louisiana, April 11, 2023.

A handwritten signature in black ink, appearing to read "Lance Africk", written over a horizontal line.

LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

²⁰ R. Doc. No. 176. The government's motion to expedite requested an expedited hearing on a motion that was subsequently marked deficient by the Clerk of Court. R. Doc. No. 174.