

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA           §  
  §  
VS.   §           CR. NO. 4:22-cr-00402-2  
  §  
IFEANYI NDUBISI OZOH               §

**UNOPPOSED MOTION TO CONTINUE SENTENCING  
AND ENTER A NEW SCHEDULING ORDER TO FILE OBJECTIONS**

TO THE HONORABLE JUDGE RANDY CRANE, CHIEF UNITED STATES  
DISTRICT JUDGE:

NOW COMES, IFEANYI OZOH, Defendant herein, by and through his  
undersigned counsel, and respectfully files this Motion for Continuance and Enter a New  
Scheduling Order, and for good cause would show as follows:

1. Defendant was previously scheduled for sentencing on June 25, 2024, at 2:00  
p.m. (Doc. 141). Counsel filed a Motion to Continue and the current sentencing date is  
August 20, 2024, at 2:00 p.m. (Doc. 161).

2. Counsel for Defendant will not be ready for sentencing and respectfully  
requests this Honorable Court grant this Motion to Continue the following reasons:

- a) Counsel's prior Motion to Continue listed the following reasons to request a  
continuance and the same is still in effect; several other factors are now also present  
in support of Counsel's request:
- b) Counsel made his appearance on behalf of Mr. Ozoh on April 23, 2024.

- c) Counsel received The Final Presentence Report (PSR) filed by the probation department on May 15, 2024.
- d) As this was a trial case, the PSR in this matter is complex, requiring a very thorough and well-rounded understanding of the evidence, and background of the case.
- e) Counsel received a voluminous file from prior Counsel in late June 2024.
- f) Counsel is still waiting on the trial transcripts to assist in understanding the scope of the case, and to properly understand the foundation to file objections to the PSR.
- g) Counsel has not been able to finalize the full review of all the evidence to file objections to the PSR and requests more time to do so.
- h) Further, Counsel had several work-related matters which have likewise delayed his ability to finalize objections and the sentencing memorandum:

- a. Counsel had a deadline to file a federal writ of habeas corpus in case styled: *United States of America vs. Terrance Durham*; Case Number: 4:24-cv-02563.
- b. Counsel had to prepare and finalize a state writ of habeas corpus in case styled: *State of Texas vs. Kerry Parks*; Case Number: 138538-A.
- c. Counsel is set for (September 9, 2024) and has been preparing for trial in a state capital murder case styled: *State of Texas vs. Francisco Bustillos*; Case Number: 1733358.

3. Defense counsel conferred with the Assistant United States Attorney handling this sentencing; she is unopposed to the continuance.

4. This motion for continuance is not made for purposes of delay, but solely to allow Defendant's counsel to provide effective assistance of counsel. For all the foregoing reasons, counsel for defendant requests a continuance of the sentencing date for 90 days, or for an available date mid to late November.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Motion be granted.

Respectfully submitted,

*/s/ Gary Tabakman*

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF CONFERENCE**

I hereby certify that I conferred with Assistant United States Attorney concerning this motion and on June 6, 2024, received confirmation that the government is unopposed to the motion.

*/s/ Gary Tabakman*

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Gary Tabakman

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2024, I electronically filed the foregoing document under seal with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

*/s/ Gary Tabakman*

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Gary Tabakman