

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED
MAY 10 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
WABASH VALLEY SERVICE CO.,)
GLEN S. KINDER, and)
NOAH DAVID HORTON,)
)
Defendants.)

CASE NO. 05 CR 40029 JPG

ORDER OF CERTIFICATION PURSUANT TO CIRCUIT RULE 57

GILBERT, District Judge

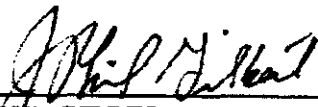
This cause is before me on the parties joint motion to set aside this Court's March 16, 2006, Memorandum and Order (Docket 76) which granted Defendants' motion to dismiss and to vacate the March 16, 2006 Judgment (Docket 77) dismissing the case. Also before me is the Government's motion to dismiss the Information, with prejudice, as to all Defendants after the joint motion is granted and for issuance of an order of certification pursuant to Circuit Rule 57.

Upon due consideration, I am inclined to grant the above motions. I therefore GRANT the motion for an order of certification pursuant to Circuit Rule 57 and request the United States Court of Appeals for the Seventh Circuit to remand this case for the purpose of this Court granting the motions before this Court.

The motions will be held in abeyance pending remand by the Court of Appeals.

IT IS SO ORDERED.

Dated: May 10, 2006



J. PHIL GILBERT
United States District Judge



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May 19, 2006

Wabash Valley Service Company
Attn: Todd Niebel
909 N. Court Street
Grayville, IL 62844

RE: U.S.A. v. Wabash Valley
No. 05-CR-40029-JPG

Dear Todd:

Enclosed please find a copies of the following documents:

1. Minutes of Court filed May 10, 2006;
2. Joint Motion to set Aside the Memorandum and Order Granting Defendants' Motion to Dismiss and Vacate the Judgment of Dismissal filed May 10, 2006;
3. Minutes of Court filed May 10, 2006;
4. Order of Certification Pursuant to Circuit Rule 57 filed May 10, 2006; and
5. An Order from the United States Court of Appeals dated May 12, 2006.

If you have any questions regarding the foregoing, please contact me at your convenience.

Very truly yours,

STOBBS LAW OFFICE

BY:


John D. Stobbs II

JDSII:mas
Enclosures