

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:25-MJ-311-DCK**

UNITED STATES OF AMERICA,)
)
)
 v.)
)
CRISTOBAL MALTOS,)
)
 Defendant.)
_____)

ORDER

THIS MATTER IS BEFORE THE COURT on the Government’s “Motion To Continue Preliminary Hearing” (Document No. 13) filed November 25, 2025. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

Federal Rule of Criminal Procedure 5.1 provides that “[t]he magistrate judge must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody and no later than 21 days if not in custody.” The Court notes that the initial appearance in this case was conducted on November 18, 2025, and Defendant was released on bond; thus, Rule 5.1 requires a preliminary hearing on or before December 9, 2025.

By the instant motion filed November 25, 2025, the Government represents it “plans to present [Defendant’s] case in the Asheville grand jury session, which starts on December 2, 2025[, and] in the interests of efficiency and judicial economy” seeks to schedule the preliminary hearing for after December 2, 2025. (Document No. 13, p. 1). The Government acknowledges in its motion that Defendant is opposed to this continuance. (Id. at p. 2).

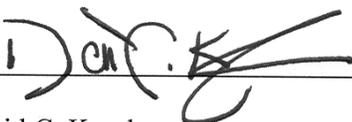
On November 26, 2025, Defendant filed his “Defense Response Opposing Government’s Motion To Continue.” (Document No. 14). Defendant argues that the Government had the opportunity to present this matter for indictment to the Charlotte grand jury already and declined to do so. Defendant further observes that the Government could present this matter to the Asheville grand jury before the preliminary hearing now scheduled for 2:00 PM on December 2, 2025, thus obviating the need for the requested continuance. (Id. at p. 3).

Respectfully, the Court will choose the simple course here. Defendant is not in custody, and his preliminary hearing under Rule 5.1 is thus not required until December 9, 2025. The preliminary hearing was initially set for December 2, 2025, as part of the Court’s normal scheduling routine. The Court will grant the Government’s motion and re-set the preliminary hearing consistent with Rule 5.1.

IT IS, THEREFORE, ORDERED that the Government’s “Motion To Continue Preliminary Hearing” (Document No. 13) is **GRANTED**. Defendant’s preliminary hearing is scheduled for **December 9, 2025, at 2:00 PM**.

SO ORDERED.

Signed: November 26, 2025



David C. Keesler
United States Magistrate Judge

