
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN JOE KATO,

Defendant.

MEMORANDUM DECISION
AND ORDER

2:16-cr-00361-RJS-PMW

District Judge Robert J. Shelby
Magistrate Judge Paul M. Warner

District Judge Robert J. Shelby referred this matter to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is defendant Allen Joe Katoa’s (“Defendant”) motion to compel disclosure of the identity of the United States of America’s (the “Government”) confidential informant.² The testimony of the confidential witness appears to be critical to the Government’s case. The Government opposes the motion, citing the danger to the safety of the confidential informant upon his being identified.³ The Government requests that it

¹ Docket no. 39.

² Docket no. 18.

³ Docket no. 27.

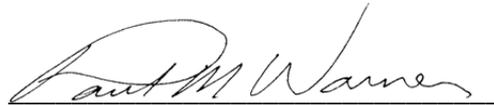
not be required to disclose the identity of its informant until one week before trial. Trial is currently scheduled for October 4, 2016.

Defendant's motion is **GRANTED** subject to the limitations discussed here. The Government shall disclose the identity of the confidential informant to Defendant's counsel within two (2) days of the date of this order. Information relating to the identity shall be designated "CONFIDENTIAL – ATTORNEYS EYES ONLY" and may be communicated only to Defendant's counsel and, as necessary, Defendant's investigators. Information identifying the informant must not be communicated to Defendant until one week before trial.

IT IS SO ORDERED.

Dated this 20th day of September, 2016.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge