

reconsider the court's detention order on the basis that the government suggested that it would agree to defendant's release. (Doc. 213).

Analysis

Motions to reconsider are to be filed within ten days of the order that the party seeks the court to reconsider, unless the court has authorized an untimely filing. D. Kan. R. 7.3(b). Defendant has neither sought nor obtained this court's approval to file her motion of reconsideration out of time. Out of an abundance of caution, the court will consider the motion.

Defendant asserts that the court must reconsider its ruling in detaining defendant in order to "prevent a manifest injustice." The Tenth Circuit has held that in order for a party to establish a manifest injustice, she must show "(1) an error, (2) that is plain, which means clear or obvious under current law, and (3) that affects substantial rights." United States v. Kimler, 335 F.3d 1132, 1141 (10th Cir. 2003). Defendant has failed to show that this court committed error in its detention order. Even if it is now the government's position that if defendant would sign a waiver that would allow this court to conduct a trial without defendant present, in effect signaling that defendant could jump bond, this is not an error by the court. The condition was never presented either to this court or to Judge Bostwick, perhaps because counsel knew or should have known that neither judge would approve such a preposterous suggestion. No judge in his or her right mind would do so.

Defendant has failed to establish error and also has not shown that there has been a change in circumstances since the court's

detention order was issued. Defendant's motion for reconsideration is denied. (Doc. 213).

Counsel are admonished that the court intends to adhere to the present schedule culminating in a trial beginning February 2, 2009. The court expects counsel to devote their efforts to preparing for trial rather than wasting their time (not to mention the court's) with the type of motion practice which has necessitated this order.

IT IS SO ORDERED.

Dated this 19th day of November 2008, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot
UNITED STATES DISTRICT JUDGE