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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO. CR.S-04-0443 PAN
)	
Plaintiff,)	STIPULATION, DECLARATION AND
)	[PROPOSED] ORDER VACATING
v.)	SENTENCING HEARING AND WRIT OF
)	HABEAS CORPUS AD PROSEQUENDUM
CARL DEWAYNE HUGHES,)	AND SETTING STATUS CONFERENCE
)	
Defendant.)	DATE: December 15, 2005
)	TIME: 9:00 a.m.
)	COURT: Hon. Peter A. Nowinski

Stipulation

The parties, through their respective counsel, stipulate that the status conference scheduled for December 15, 2005 may be continued to January 26, 2006 at 9:00 a.m.

As stated in the previous Stipulation, Declaration and Order Vacating Sentencing Hearing and Writ of Habeus Corpus Ad Prosequendum and Setting Status Conference dated October 27, 2005, the government's case should not proceed to sentencing until the Modoc County case has been resolved.

On December 2, 2005, Abram Watts, an intern in the Misdemeanor Unit, received a message from the Modoc County District Attorney Jordan Funk regarding the status of the defendant's Modoc County

1 case. Mr. Funk related to Mr. Watts that Mr. Hughes' Modoc County
2 case was still pending a plea, along with another case out of
3 Oregon, in a global plea agreement which would involve Mr. Hughes'
4 serving 20 years in prison. The defense attorney in these cases has
5 been ill, but a plea agreement seems to be imminent in these cases.
6 Furthermore, the defendant is still in custody in Modoc County
7 within the jurisdiction of the State of California.

8 DATED: December 5, 2005

McGREGOR W. SCOTT
United States Attorney

9
10 by /s/ Matthew C. Stegman
11 MATTHEW C. STEGMAN
Assistant U.S. Attorney

12
13 DATED: December 5, 2005

/s/ Matthew C. Stegman for
ERIC H. HINTZ
Counsel for Defendant
Carl DeWayne Hughes

16 Order

17 Good cause appearing, the Court enters the following order:

18 The status conference scheduled for December 15, 2005 is
19 vacated and a status conference is scheduled January 26, 2006 at
20 9:00 a.m.

21 IT IS SO ORDERED.

22 DATED: December 27, 2005

/s/ Peter A. Nowinski
HON. PETER A. NOWINSKI,
UNITED STATES MAGISTRATE JUDGE