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Attorney for Defendant
DAVID PEREZ RAMIREZ

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. DAVID PEREZ RAMIREZ, Defendant.	2:07-CR-00248-15 WBS STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY BRIEFING SCHEDULE

On July 16, 2015, Defendant, DAVID PEREZ RAMIREZ, filed a pro se motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). CR 1345. On December 7, 2015, the Court adopted the parties' stipulation to modify the briefing schedule pertaining to an amended motion to reduce sentence should the defense choose to file one. CR 1370. For the reasons set forth below, the parties file this stipulated request to vacate the current briefing schedule and re-set a new briefing schedule as follows:

Amended motion to reduce sentence	**April 8, 2016**
Government's opposition	**April 22, 2016**
Defendant's reply, if any	**April 29, 2016**

The basis for the parties' request to modify the last briefing schedule was to await final decision by the Ninth Circuit on the petition for rehearing *en banc* granted in *United States v. Davis*, 776 F.3d 1088 (9th Cir.

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2015). *See* CR 1370 at 2-3. As of the date of filing of this document, the Ninth Circuit has not yet issued a decision in *Davis*. The parties respectfully submit the Court should await the resolution of the petition for *en banc* review in *Davis* to ascertain the law to be applied to Mr. Ramirez's motion for a sentence reduction.

Therefore, the parties respectfully stipulate and request that this Court modify the briefing schedule as set forth above.

Dated: February 5, 2016

BENJAMIN WAGNER
United States Attorney

By: /s/ Jason Hitt
JASON HITT
Assistant United States Attorney

Dated: February 5, 2016

/s/ Erin J. Radekin
ERIN J. RADEKIN
Attorney for Defendant
DAVID PEREZ RAMIREZ

ORDER

Pursuant to the parties' stipulation, and good cause appearing, it is hereby ordered that the briefing schedule relating to defendant's motion pursuant to § 3582(c)(2) be modified as follows:

Amended motion to reduce sentence	**April 8, 2016**
Government's opposition	**April 22, 2016**
Defendant's reply, if any	**April 29, 2016**

Dated: February 5, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE