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Attorney for Defendant
GABRIEL CARACHEO

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. GABRIEL CARACHEO, Defendant.	2:07-CR-00248 WBS **UNOPPOSED REQUEST TO MODIFY BRIEFING SCHEDULE; ORDER**

Pursuant to Local Rule 144, undersigned counsel, Erin J. Radekin, respectfully requests the briefing schedule relating to defendant's possible motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) be modified to reflect the following deadlines:

Motion to reduce sentence	**June 9, 2016**
Government's opposition	**June 30, 2016**
Defendant's reply, if any	**July 7, 2016**

The reasons for this request is to afford the defense additional time to obtain the transcript of judgment and sentencing and await the decision of the Ninth Circuit in the case *United States v. Davis*, 776 F.3d 1088 (9th Cir. 2015).

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This Court previously granted the defense's unopposed request to modify the briefing schedule in order to await the decision in *Davis* as well as wait for records. CR 1385. As Mr. Caracheo entered his guilty plea pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the Ninth Circuit's decision on the petition for *en banc* review in *Davis* could make a difference in resolution of Mr. Caracheo's motion to reduce his sentence. A decision has not yet issued in *Davis.* Further, the defense ordered the transcript for judgment and sentencing, but has not yet received it.

Assistant United States Attorney Jason Hitt has indicated he has no objection to the proposed modification.

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

Dated: March 24, 2016

Respectfully submitted,

/s/ Erin J. Radekin
ERIN J. RADEKIN
Attorney for Defendant
GABRIEL CARACHEO

ORDER

Pursuant to the unopposed request, and good cause appearing therefor, it is hereby ordered that the briefing schedule relating to defendant's possible motion to reduce sentence pursuant to § 3582(c)(2) be revised to reflect the following deadlines:

Motion to reduce sentence	**June 9, 2016**
Government's opposition	**June 30, 2016**
Defendant's reply, if any	**July 7, 2016**

Dated: March 24, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE