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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-00248-26 WBS **STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY BRIEFING SCHEDULE**

On January 28, 2016, this Court appointed counsel to represent defendant, Gabriel Caracheo, in a potential motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2). CR 1378. On March 25, 2016, the Court adopted the parties' stipulation to modify the briefing schedule pertaining to such possible motion. For the reasons stated below, the parties stipulate and request that the current briefing schedule be vacated and a new briefing schedule be ordered as follows:

Motion to reduce sentence	**August 18, 2016**
Government's opposition	**September 8, 2016**
Defendant's reply, if any	**September 15, 2016**

The basis for the parties' request to modify the last briefing schedule was, in part, to await final decision by the Ninth Circuit on the petition

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for rehearing *en banc* granted in *United States v. Davis*, 776 F.3d 1088 (9th Cir. 2015). CR 1389 at 1. 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. Caracheo's motion for a sentence reduction.

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

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

Dated: June 8, 2016

BENJAMIN WAGNER
United States Attorney

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

Dated: June 8, 2016

/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	**August 18, 2016**
Government's opposition	**September 8, 2016**
Defendant's reply, if any	**September 15, 2016**

Dated: June 8, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE