ERIN J. RADEKIN
Attorney at Law - SBN 214964
428 J Street, Suite 350
Sacramento, California 95814
Telephone: (916) 446-3331
Facsimile: (916) 447-2988

Attorney for Defendant
BISMARK MARTIN OCAMPO

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>BISMARK MARTIN OCAMPO, et al.<br>Defendants. | 2:07-cr-00248-WBS-8<br><br>**STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY RIEFING SCHEDULE** |

On June 15, 2015, Defendant, BISMARK MARTIN OCAMPO, filed a *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). CR 1338. On April 15, 2016, the Court ordered the briefing schedule pertaining to an amended motion to reduce sentence modified to await the 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. 2015). CR 1395.

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 | **August 26, 2016** |
| Government's opposition | **September 16, 2016** |
| Defendant's reply, if any | **September 23, 2016** |



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On June 13, 2016, the Ninth Circuit issued its decision on the petition for rehearing *en banc*, reversing its prior holding, which precluded a reduction in sentence in Mr. Ramirez's case. *United States v. Davis*, 2016 U.S. App. LEXIS 10661 (9th Cir. 2016). In light of this change in Ninth Circuit law on this issue, Mr. Ocampo may be eligible for reduction in sentence despite the fact that he entered his plea pursuant to a Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement.

However, Ms. Radekin must communicate with Mr. Ocampo to inform him of the change in the law and all potential consequences of such change prior to filing an amended motion to reduce sentence. As he is in prison serving his sentence, such communication must be in writing. Further, she needs additional time to prepare the motion, as she was out of the country from June 22 through July 5, 2016 on a long-planned vacation. Mr. Hitt does not oppose the modification of the briefing schedule on this basis.

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

Dated: July 13, 2016

BENJAMIN WAGNER
United States Attorney

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

Dated: July 13, 2016

/s/ Erin J. Radekin
ERIN J. RADEKIN
Attorney for Defendant
BISMARK MARTIN OCAMPO

**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 | **August 26, 2016** |
| Government's opposition | **September 16, 2016** |
| Defendant's reply, if any | **September 23, 2016** |

Dated: July 13, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE