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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 WBS STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY BRIEFING SCHEDULE

On July 11, 2016, the Court adopted the parties' stipulation to modify the briefing schedule pertaining to an amended motion to reduce sentence to await final decision on the petition for rehearing *en banc* granted in *United States v. Davis*, 776 F.3d 1088 (9th Cir. 2015). CR 1406. 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. Ramirez 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The parties have conferred regarding whether Mr. Ramirez is eligible for relief in light of *Davis*. The government needs additional time to assess its position on this issue. Ms. Radekin concurs with this request.

Accordingly, 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	**September 23, 2016**
Government's opposition	**October 14, 2016**
Defendant's reply, if any	**October 21, 2016**

Assistant United States Attorney Jason Hitt has indicated he has no objection to the above briefing schedule.

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

Dated: August 19, 2016

BENJAMIN WAGNER
United States Attorney

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

Dated: August 19, 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:

Motion to reduce sentence	**September 23, 2016**
Government's opposition	**October 14, 2016**
Defendant's reply, if any	**October 21, 2016**

Dated: August 19, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE