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Attorney for Defendant
BISMARK MARTIN OCAMPO

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. BISMARK MARTIN OCAMPO, et al. Defendants.	2:07-cr-00248-08-WBS **STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY RIEFING SCHEDULE**

On June 13, 2016, the Ninth Circuit issued its decision on the petition for rehearing *en banc* in *United States v. Davis*, 776 F.3d 1088 (9th Cir. 2015), reversing its prior holding. See *United States v. Davis*, 2016 U.S. App. LEXIS 10661 (9th Cir. 2016). In light of this change in the relevant legal standard, 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. On July 13, 2016, the Court ordered the briefing schedule pertaining to an amended motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) modified to allow Ms. Radekin time to communicate with Mr. Ocampo regarding the change in the law and what it means for him. CR 1410.

Ms. Radekin has spoken with Mr. Hitt regarding whether Mr. Ocampo is eligible for relief in light of *Davis*. Mr. Hitt has indicated he needs

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additional time to assess the government's position on this case. 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:

Amended motion to reduce sentence	**October 7, 2016**
Government's opposition	**October 28, 2016**
Defendant's reply, if any	**November 4, 2016**

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

Dated: August 25, 2016

BENJAMIN WAGNER
United States Attorney

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

Dated: August 25, 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	**October 7, 2016**
Government's opposition	**October 28, 2016**
Defendant's reply, if any	**November 4, 2016**

Dated: August 26, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE