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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 August 18, 2016, the Court adopted the parties' stipulation to modify the briefing schedule pertaining to a possible motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) to allow the government additional time to assess its position in this case in light of the June 13, 2016 decision by the Ninth Circuit in *United States v. Davis*, 825 F.3d 1014 (9th Cir. 2016) (*Davis II*), reversing its prior holding. CR 1423. In light of the change in Ninth Circuit law effected by *Davis II*, Mr. Caracheo 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 September 14, 2016 the government indicated it intends to oppose Mr. Caracheo's motion. In light of the government's position, the defense

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intends to file an amended motion to reduce sentence in Mr. Caracheo's case, but needs additional time to prepare the brief.

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	**October 13, 2016**
Government's opposition	**November 3, 2016**
Defendant's reply, if any	**November 10, 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: September 14, 2016

BENJAMIN WAGNER
United States Attorney

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

Dated: September 14, 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	**October 13, 2016**
Government's opposition	**November 3, 2016**
Defendant's reply, if any	**November 10, 2016**

Dated: September 15, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE