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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-00248-15 WBS **STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY BRIEFING SCHEDULE**

On July 16, 2015, defendant, David Perez Ramirez, filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) based on Amendment 782. Thereafter, and after undersigned counsel was appointed, the briefing schedule to file an amended motion was modified several times to await the final decision of the Ninth Circuit on its grant of review *en banc* in *United States v. Davis*, 9th Cir. no. 13-30133. On June 13, 2016, the Ninth Circuit issued its decision. See *United States v. Davis*, 825 F.3d 1014 (9th Cir. 2016) (*Davis II*). Thereafter, the matter was continued to allow the parties time to assess their respective positions in light of the change in law effected by *Davis II*. On September 21, 2016, the government informed Ms. Radekin it intended to oppose Mr. Ramirez's motion to reduce his sentence, and on September 22, 2016, the Court adopted the parties' stipulation to

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modify the briefing schedule pertaining to an amended motion to allow Ms. Radekin time to prepare such motion. CR 1439.

The motion is substantially complete; however, Ms. Radekin needs additional time to obtain updated and additional documents in support of re-sentencing. Ms. Radekin has communicated with Mr. Hitt, and he concurs with this request and the briefing schedule set forth below.

Accordingly, the parties have agreed to the following briefing schedule:

Motion to reduce sentence	**November 11, 2016**
Government's opposition	**December 2, 2016**
Defendant's reply, if any	**December 9, 2016**

Therefore, the parties respectfully stipulate and request that the Court vacate the existing briefing schedule and order the briefing schedule set forth above.

Dated: October 14, 2016

PHILLIP A. TALBERT
Acting United States Attorney

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

Dated: October 14, 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 an amended motion pursuant to § 3582(c)(2) be modified as follows:

Motion to reduce sentence	**November 11, 2016**
Government's opposition	**December 2, 2016**

Defendant's reply, if any **December 9, 2016**

Dated: October 14, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE