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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. GABRIEL CARACHEO, Defendant.	CASE NO. 2:07-CR-248-26 WBS STIPULATION AND [~~PROPOSED~~] ORDER TO MODIFY BRIEFING SCHEDULE

STIPULATION

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. C.R. 1423.

On September 15, 2016, the Court ordered an additional modification to the briefing schedule for the purpose of determining the application of *Davis II*.

The government requires two additional weeks to respond to defendant's brief. Defense counsel does not object to the new proposed briefing schedule. Defendant's currently scheduled release date is May 3, 2029.

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AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Accordingly, the parties stipulate and request that the current briefing schedule be vacated and a new briefing schedule be ordered as follows:

Government's opposition to be due on November 17, 2016

Defendant's reply, if any, to be due on December 1, 2016

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

Dated: November 3, 2016

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JASON HITT
JASON HITT
Assistant United States Attorney

Dated: November 3, 2016

/s/ ERIN J. RADEKIN
ERIN J. RADEKIN
Counsel for Defendant
GABRIEL CARACHEO

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: November 4, 2016

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE