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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 October 13, 2016, Mr. Caracheo filed his motion to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2). CR 1445. The government filed its opposition on November 16, 2016. CR 1464. Pursuant to this Court's order filed on December 1, 2016, the date due for the reply brief is January 5, 2017. CR 1470. Mr. Caracheo intends to file a reply; however, the defense needs additional time to obtain records pertaining to his disciplinary violations noted by the government in its opposition.

On December 12, 2016, Ms. Radekin obtained a signed release authorizing release of the records pertaining to the disciplinary violations from Mr. Caracheo in the mail. That same day, Ms. Radekin provided a copy to Rosemary Yniquez, a counselor at FCI Mendota. Thereafter, Ms. Radekin emailed Ms. Yniquez three additional times inquiring into the status of the request for

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records. The last message Ms. Radekin received from Ms. Yniquez was on January 3, 2017, which was, "With the holidays been out of the office I will get you the information as soon as it is approved through the Unit." As of the date of this stipulation, Ms. Radekin does not yet have the records.

Accordingly, the parties stipulate and request that the date due for the reply brief be modified to February 16, 2017. Assistant United States Attorney Jason Hitt has indicated he has no objection to the modification of the reply brief due date and has authorized Ms. Radekin to sign this stipulation on his behalf.

IT IS SO STIPULATED.

Dated: January 5, 2017

PHILLIP A. TALBERT
Acting United States Attorney

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

Dated: January 5, 2017

/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 date due for the reply brief to the government's opposition to defendant's motion to reduce sentence pursuant to § 3582(c)(2) be modified to February 16, 2017.

Dated: January 5, 2017

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE