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

On October 13, 2016, Mr. Caracheo filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). ECF No. 1445. The court denied Mr. Caracheo's motion, ECF No. 1545 at p. 4, and Mr. Caracheo appealed, ECF No. 1563. On October 29, 2018, the Ninth Circuit issued a memorandum decision, remanding the case to the district court to reconsider its denial of Mr. Carracheo's motion in light of the United States Supreme Court's decision in *Hughes v. United States*, 138 S. Ct. 1765 (2018). ECF No. 1615 at p. 2. On December 17, 2018, the parties appeared at a status conference and the court set a briefing schedule as follows: opening brief to

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be filed by January 31, 2019; the government's opposition to be filed by February 14, 2019; and any reply to the government's opposition to be filed by February 21, 2019. ECF No. 1621.

On February 1, 2019, undersigned counsel emailed the attorney for the government in this matter, Jason Hitt, and informed him her office had, in error, not filed the opening brief after remand, although it was prepared by January 31, 2019 and had been ready to file. Mr. Hitt informed counsel by email that he had no objection to stipulating to additional time for filing the brief and that he was in trial preparation. Ms. Radekin filed the opening brief that day, but did not file a stipulation to modify the briefing schedule. ECF No. 1623.

As Mr. Hitt has been engaged in trial preparation and trial, the government needs more time to prepare the opposition to the opening brief after remand. Ms. Radekin has no objection to this request. Accordingly, the parties stipulate and request that the date due for the government's opposition be modified to March 15, 2019. Any reply would then be due on March 22, 2019. Assistant United States Attorney Jason Hitt has authorized Ms. Radekin to sign this stipulation on his behalf.

IT IS SO STIPULATED.

Dated: February 27, 2019

MCGREGOR SCOTT
United States Attorney

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

Dated: February 27, 2019

/s/ Erin J. Radekin
ERIN J. RADEKIN
Attorney for Defendant
GABRIEL CARACHEO

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ORDER

Pursuant to the unopposed request, and good cause appearing therefor, it is hereby ordered that the date due for the government's opposition to the opening brief after remand is March 15, 2019, and the date due for any reply to the government's opposition is March 22, 2019.

Dated: February 28, 2019

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE