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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARIO DIAZ, et al.,	Case No. CR-S-07-0248 WBS GOVERNMENT'S MOTION TO DISMISS THE INDICTMENT AS TO DEFENDANTS PEDRO ANTHONY RIOS III AND ERNESTO BRAVO TEJEDA AND [~~PROPOSED~~] ORDER

The United States of America, through its attorneys of record, Assistant U.S. Attorneys Jason Hitt and Mary L. Grad, hereby moves for an order dismissing the indictment against defendant Ernesto Bravo TEJEDA and Pedro Anthony RIOS III pursuant to Federal Rule of Criminal Procedure 48(a).

Background

On July 11, 2007, a Sacramento federal Grand Jury returned a superseding indictment against defendant Ernesto Bravo TEJEDA and defendant Pedro Anthony RIOS III along with others in a large-scale conspiracy to distribute and possess with intent to distribute marijuana, heroin, at least 5 kilograms of cocaine, and at least 50

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

grams of methamphetamine (actual) in violation of 21 U.S.C. §§ 841(a)(1) and 846, Case No. CR-S-07-0248 WBS.

Defendant Ernesto Bravo TEJEDA

Based upon the government's ongoing investigation, the undersigned hereby moves to dismiss the sole count (Count One) against Ernesto Bravo TEJEDA in Case No. CR-S-07-0248 WBS in the interests of justice pursuant to Rule 48(a).

Defendant Pedro Anthony RIOS

On August 3, 2007, defendant Pedro Anthony RIOS III died. Attached to this motion as Exhibit A is a certificate confirming his death. Accordingly, pursuant to Rule 48(a), the government moves to dismiss Counts One and Three against Pedro Anthony RIOS III in Case No. CR-S-07-0248 WBS.

Respectfully Submitted,

McGREGOR W. SCOTT
United States Attorney

DATED: January 23, 2008

By: /s/Jason Hitt
JASON HITT
Assistant U.S. Attorney

ORDER

For the reasons set forth in the motion to dismiss filed by the United States, **IT IS HEREBY ORDERED** that:

1. Count One of the Superseding Indictment in Case No. CR-S-07-0248 WBS as to defendant Ernesto Bravo TEJEDA is hereby DISMISSED pursuant to Federal Rule of Criminal Procedure 48(a); and

2. Counts One and Three of the Superseding Indictment in Case No. CR-S-07-0248 WBS as to defendant Pedro Anthony RIOS III are hereby DISMISSED pursuant to Federal Rule of Criminal Procedure 48(a).

DATED: January 23, 2008

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE