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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., Defendants.	Case No. CR-S-07-0248 WBS STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME FOR DEFENDANT FERNANDO VILLALPANDO

Plaintiff, United States of America, by its counsel, Assistant United States Attorney Jason Hitt, and defendant Fernando VILLALPANDO, by and through his counsel David Arredondo, Esq., stipulate and agree that the status conference on April 28, 2008, should be vacated and continued to the June 30, 2008.

The parties further stipulate that the time period from April 28, 2008, up to and including June 30, 2008. The parties stipulate that the ends of justice are served by the Court excluding such time, so that counsel for the defendant may have reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Specifically, the government has produced over 4,000 pages of discovery to date. Defense counsel for VILLALPANDO needs additional time to review and evaluate this evidence. In addition, various co-defendants in this case have engaged in extensive pretrial litigation during the month of April, 2008. For these reasons, the defendants, defense counsel, and the government agree additional time is required for the defense to effectively evaluate the posture of the case and, in addition, in the interests of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4.

Respectfully Submitted,

McGREGOR W. SCOTT
United States Attorney

DATED: May 9, 2008 By: /s/Jason Hitt
JASON HITT
Assistant U.S. Attorney

DATED: May 9, 2008 By: /s/Jason Hitt
Authorized to sign for Mr. Arredondo on 05-07-08
DAVID ARREDONDO, Esq.
Attorney for Fernando VILLALPANDO

ORDER

Based upon the representations and stipulation of counsel, **IT IS HEREBY ORDERED** that:

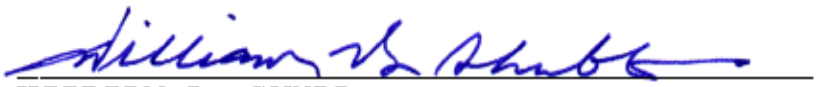
1. The status conference set for April 28, 2008, at 10:00 a.m. is vacated;

2. A further status conference for defendant Fernando VILLALPANDO is set for June 30, 2008, at 10:30 a.m.; and

3. Based upon the representations and stipulation of the parties, the court finds that the time exclusion under 18 U.S.C. § 3161(h)(8)(B)(iv) applies and the ends of justice outweigh the best interest of the public and the defendants in a speedy trial. Accordingly, time under the Speedy Trial Act shall be excluded from April 28, 2008, up to and including June 30, 2008.

IT IS SO ORDERED.

DATED: May 9, 2008



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE