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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 DEFENDANT MANUEL CADENA AND [~~PROPOSED~~] ORDER

The United States of America, through its attorneys of record, Assistant U.S. Attorneys Jason Hitt and William S. Wong, hereby moves for an order dismissing the indictment against defendant Manuel CADENA 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 Manuel CADENA 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 grams of methamphetamine (actual) in violation of 21 U.S.C. §§ 841(a)(1) and 846, Case No. CR-S-07-0248

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

WBS.

Defendant Manuel CADENA

Based upon the government's ongoing investigation and the impact of the Court's severance rulings on July 15, 2008, the undersigned hereby moves to dismiss without prejudice the sole count (Count One) against Manuel CADENA in Case No. CR-S-07-0248 WBS in the interests of justice pursuant to Rule 48(a).

Respectfully Submitted,

McGREGOR W. SCOTT
United States Attorney

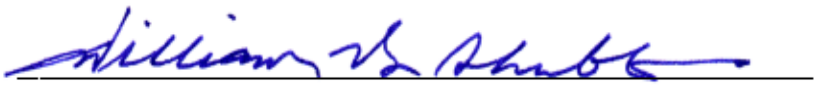
DATED: August 5, 2008

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 Count One of the Superseding Indictment in Case No. CR-S-07-0248 WBS, as against defendant Manuel CADENA only, is hereby DISMISSED pursuant to Federal Rule of Criminal Procedure 48(a).

DATED: August 4, 2008



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE