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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JULIO NEVAREZ-ERUNEZ and JUAN NIEBLA-OSUNA, Defendants.	CASE NO. 2:22-CR-00210-DJC STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; FINDINGS AND ORDER DATE: September 21, 2023 TIME: 9:00 a.m. COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through Assistant United States Attorney Emily G. Sauvageau, together with Attorney Meghan McLoughlin, counsel for defendant Julio Nevarez-Erunez, and Attorney Dina Santos, counsel for defendant Juan Niebla-Osuna, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 21, 2023 before the Honorable Daniel J. Calabretta.

2. By this stipulation, the parties move to continue the status conference until October 26, 2023, at 9:00 a.m., and to exclude time between September 21, 2023, and October 26, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case includes law enforcement reports, lab reports, search warrants, photographs, audio recordings, and cell phone extractions. All of this

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discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Defense counsel desire additional time to consult with their clients regarding discovery and otherwise prepare for trial.

c) Defense counsel believe that failure to grant the above-requested continuance would deny the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 21, 2023 to October 26, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C.§ 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ EMILY G. SAUVAGEAU
EMILY G. SAUVAGEAU
Assistant United States Attorney

Dated: September 11, 2023

/s/ MEGHAN MCLOUGHLIN
MEGHAN MCLOUGHLIN
Counsel for Defendant
Julio Nevarez-Erunez

Dated: September 11, 2023

/s/ DINA SANTOS
DINA SANTOS
Counsel for Defendant
Juan Niebla-Osuna

ORDER

IT IS SO FOUND AND ORDERED this 11th day of September, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE