DINA L. SANTOS, SBN 204200
Dina L. Santos, A Professional Law Corp.
455 Capitol Mall, Suite 802
Sacramento, California 95814
Telephone: (916) 447-0160

Attorney for
Juan Niebla-Osuna

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. JUAN NIEBLA-OSUNA, JULIO NEVAREZ-ERUNEZ, Defendants.	Case No.: 22-CR-210 DJC STIPULATION AND ORDER TO CONTINUE STATUS CONFERENCE Date: September 21, 2023 Time: 9:00 a.m. Judge: Hon. Calabretta

STIPULATION

The United States of America through its undersigned counsel, Emily Sauvageau, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Juan Niebla-Osuna, and Attorney Hannah Labaree, Counsel for Julio Cesar Nevarez-Erunez, hereby stipulate the following:

1. The Status Conference was previously set for May 11, 2023. By this stipulation, the parties now move to continue the Status Conference to September 21, 2023, at 9:00 a.m. and to exclude time between May 11, 2023, and September 21, 2023, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
   a. A continuance is requested to continue to allow the Defense to meet with the Client, review voluminous discovery that continues to be produced, conduct investigation, and discuss a potential resolution.

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b. Counsel for the Defendant believes the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c. The Government does not object to the continuance.

d. Based on the above-stated findings, the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial within the original date prescribed by the Speedy Trial Act.

e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section 3161(h)(7)(A) within which trial must commence, the time period of May 11, 2023, and September 21, 2023, inclusive, is deemed excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 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.

3. 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: May 3, 2023

Phillip Talbert
United States Attorney

/s/ Emily Sauvageau
EMILY SAUVAGEAU
Assistant U.S. Attorney

DATE: May 3, 2023

/s/ Dina Santos
DINA SANTOS
Attorney for Juan Niebla-Osuna

DATE: May 3, 2023

/s/ Hannah Labaree
HANNAH LABAREE
Attorney for Julio Nevarez-Erunez

ORDER

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

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

IT IS SO ORDERED.

Dated: May 4, 2023

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