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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff/Respondent, v. HUY CHI LUONG, Defendant/Movant.	CASE NO. 2:96-CR-00350-WBS-AC STIPULATION AND [~~PROPOSED~~] ORDER FOR EXTENSION OF TIME IN WHICH TO RESPOND TO DEFENDANT'S SECTION 2255 PETITION

Respondent United States of America, by and through its attorneys of record, Phillip A. Talbert, United States Attorney, and Jason Hitt, Assistant United States Attorney, hereby respectfully requests a 120-day extension of time until March 9, 2018, in which to file its answering brief to defendant's motion under 28 U.S.C. § 2255. The government's answer is currently due on November 9, 2017.

The requested time will permit me the time to complete existing obligations and prepare a responsive pleading to the pending § 2255 motion. I recently completed drafting an answering brief in *United States v. Chan*, C.A. No. 16-15503, on October 23, 2017. I am also now working on an answering brief due in *United States v. Gomez*, C.A. No. 17-10224, and have requested an extension from the Ninth Circuit. I also have answering briefs due in the coming months for the following cases: *United States v. Mendoza*, C.A. No. 17-10236 (due November 9, 2017); and *United States v. Washington*, C.A. No. 17-10141 (due November 20, 2017). In addition, I am responsible for the opening briefs in *United States v. Rodriguez* and *Sarabia*, C.A. Nos. 17-10233 and 17-10235

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respectively (due December 7, 2017). I am also scheduled to start trial in *United States v. Cheal, et al.*, Case No. 2:12-cr-185-JAM (E.D. Cal.), on January 8, 2018. This trial is expected to last four to six days. I am also scheduled to conduct the trial in *United States v. Phillips*, Case No. 2:15-cr-81-JAM (E.D. Cal.), on January 29, 2018. This trial is expected to last two to three weeks.

Defense counsel does not oppose the Government's request. For these reasons, I respectfully request additional time to complete a responsive pleading to the defendant's § 2255 motion.

Dated: November 6, 2017

PHILLIP A. TALBERT
United States Attorney

/s/ *JASON HITT*
JASON HITT
Assistant United States Attorney

Dated: November 6, 2017

/s/ *ETAN ZAITSU by Jason Hitt*
ETAN ZAITSU
Attorney for Huy Chi Luong
Authorized to sign for Mr. Zaitsu

[~~PROPOSED~~] ORDER

The Court, having received, read, and considered the stipulation of the parties, and good cause appearing therefrom, adopts the stipulation of the parties.

The Government's answering brief to defendant's motion pursuant to 28 U.S.C. § 2255 is now due March 9, 2018.

Movant's traverse, if any, is due within thirty days after the filing date of the Government's answer.

IT IS SO ORDERED.

DATED: November 6, 2017

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE