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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 **THE UNITED STATES OF AMERICA,**

13 Plaintiff,

14 v.

15 **D'ANGELO DAVIS,**

16 Defendant.

CASE NO. 2:98-CR-00114-KJM

**STIPULATION AND ORDER RE: BRIEFING
SCHEDULE RELATING TO MOTION FOR
TURNOVER OF FUNDS IN INMATE TRUST
ACCOUNT [ECF NO. 453]**

17 **STIPULATION**

18
19 Plaintiff, the United States of America, by and through its attorney, Assistant United States
20 Attorney Lynn Trinka Ernce, and defendant, D'Angelo Davis, by and through his counsel of record,
21 Erin J. Radekin, hereby stipulate, and jointly request, as follows:

22 1. On September 2, 2022 the court issued an order, pursuant to the parties' stipulation, that any
23 response from the defense to the government's Motion for Turnover of Funds in Inmate Trust Account,
24 ECF No. 453 ("the Motion"), be due by September 12, 2022. ECF No. 459. Any reply by the
25 government was to be due by September 19, 2022. *Id.*

26 2. At this time, the defense does not intend to oppose the motion, and is amenable to resolution.
27 In order to ascertain Mr. Davis's position with regard to any proposed resolution, it is necessary that Ms.
28 Radekin speak to Mr. Davis, who is in prison. Ms. Radekin's assistant has emailed the prison requesting

1 that a confidential phone call be set up, and has received an email back indicating we would be
2 contacted with potential dates. We have not yet been contacted with potential dates for the call, but will
3 schedule the call as soon as reasonably available.

4 3. The parties have conferred, and have agreed to a deadline of October 12, 2022 by which to
5 negotiate the terms of a proposed agreement regarding the funds at issue in the Motion, and to file a
6 stipulation with the court setting forth the proposed agreement for approval by the court.

7 IT IS SO STIPULATED.

8 Dated: September 12, 2022

PHILLIP A. TALBERT

United States Attorney

12 /s/ Lynn Trinka Ernce

13 LYNN TRINKA ERNCE

14 Assistant U.S. Attorney

16 Dated: September 12, 2022

/s/ Erin J. Radekin

17 ERIN J. RADEKIN

18 Attorney for Defendant

19 D'ANGELO DAVIS

21 **ORDER**

22 Good cause appearing, the parties' stipulation regarding the deadline for a stipulation setting
23 forth a proposed agreement between the parties as to the funds at issue in Mr. Davis's inmate trust
24 account is GRANTED. Accordingly, a stipulation by the parties is due by October 12, 2022.

25 IT IS SO ORDERED.

26 DATED: September 28, 2022.

27 
28 _____
CHIEF UNITED STATES DISTRICT JUDGE