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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RAMON DEJESUS MAGANA,  
  
Defendant.

CASE NO. 1:18-CR-00068-DAD-BAM

STIPULATION TO VACATE STATUS  
CONFERENCE DATE, SET THE MATTER FOR  
TRIAL, AND EXCLUDE TIME PERIODS UNDER  
THE SPEEDY TRIAL ACT; AND ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. After issuing its ruling on September 14, 2022, denying the defendant's motion to suppress, the Court set this matter for a status conference on September 28, 2022. The Court did not exclude time between September 14, 2022, and September 28, 2022.

2. The parties hereby request that the Court vacate the current status conference date, set this matter for trial on April 4, 2023, and exclude time between September 14, 2022, and April 4, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties further request a trial confirmation date be set for March 21, 2023.

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

1 a) The government represents that the discovery associated with this case has been  
2 provided. The government is aware of its ongoing discovery obligations.

3 b) The parties are in plea discussions.

4 c) Counsel for defendant desires additional time to confer with his client about a  
5 possible resolution, to review discovery, and to otherwise prepare for trial.

6 d) Counsel for defendant believes that failure to grant the above-requested  
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
8 into account the exercise of due diligence.

9 e) The government does not object to the continuance.

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

13 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time of September 14, 2022, to April 4, 2023,  
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
16 because it results from a continuance granted by the Court at defendant's request on the basis of  
17 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
18 of the public and the defendant in a speedy trial.

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

22 IT IS SO STIPULATED.

23 Dated: September 20, 2022

PHILLIP A. TALBERT  
United States Attorney

25 /s/ JESSICA A. MASSEY  
26 JESSICA A. MASSEY  
Assistant United States Attorney

27  
28 Dated: September 20, 2022

/s/ REED B. GRANTHAM

REED B. GRANTHAM  
Counsel for Defendant  
RAMON DEJESUS MAGANA

**ORDER**

**IT IS HEREBY ORDERED** that the status conference set for September 28, 2022, is vacated. A jury trial is set for **April 4, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Estimated time of trial is **3 days**. A trial confirmation is set for **March 20, 2023, at 8:30 a.m. before District Judge Ana de Alba**.

Since Defendant agrees to exclusion of time starting from September 14, 2022, time shall be excluded from September 14, 2022, through April 4, 2023, pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv), to allow the parties to sufficiently prepare for trial and continue their plea discussions. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: September 23, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE