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6 Attorneys for Defendant
RAMON MAGANA
7

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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 RAMON MAGANA,

15 Defendant.
16

Case No. 1:18-cr-00068-DAD-BAM

**STIPULATION TO VACATE TRIAL AND
SET BRIEFING SCHEDULE AND
HEARING DATE; ORDER**

17 IT IS HEREBY STIPULATED, by and between the parties through their respective
18 counsel, Assistant United States Attorney Jessica Massey, counsel for plaintiff, and Assistant
19 Federal Defender Reed Grantham, counsel for Ramon Magana, that the trial confirmation, and
20 trial date, currently scheduled for April 25, 2022, and May 10, 2022, respectively, may be
21 vacated and that a briefing schedule and hearing date be set for a defense motion to suppress in
22 accordance with the schedule below. There is good cause to continue the trial date as set forth
23 below.

24 1. The Indictment charges Mr. Magana with conspiracy to distribute a controlled
25 substance, aiding and abetting (Count 1) and possession of a controlled substance with intent to
26 distribute a controlled substance, aiding and abetting (Count 2). If convicted, Counts 1 and 2
27 each carry a mandatory minimum sentence of 10 years to life.

28 2. Trial in this matter is currently set for Tuesday, May 10, 2022, and a trial

1 confirmation hearing is set for April 25, 2022.

2 3. Counsel in this matter are requesting a briefing schedule be set and that the trial
3 date be vacated for the reasons set forth below.

4 4. On March 3, 2022, counsel for the defendant contacted government counsel and
5 requested additional discovery. On March 14, 2022, and on March 15, 2022, the government
6 provided the discovery requested. On March 18, 2022, after review and consideration of the
7 newly provided discovery, the defense indicated to the government that it intends to file a motion
8 to suppress in this matter.

9 5. In order for the parties to have sufficient time and opportunity to file and brief the
10 issue, and in order for the Court to have sufficient time to review, consider, and hear argument
11 with respect to the defense motion, the parties are requesting that a briefing schedule be set on
12 the motion and that the trial confirmation and trial date currently set for April 25, 2022, and May
13 10, 2022, respectively, be vacated.

14 6. Accordingly, the parties hereby agree and stipulate that the following briefing
15 schedule and hearing date be set:

- 16 • Defense motion to be filed on or before April 22, 2022
- 17 • Government opposition to be filed on or before May 13, 2022
- 18 • Any defense reply to be filed on or before May 27, 2022
- 19 • Motion hearing to be set on June 6, 2022, at 10:00 a.m.

20 The dates proposed are mutually agreeable dates for the parties and the parties make this request
21 with the intention of conserving time and resources for both the parties and the Court.

22 7. The parties agree that the delay resulting from the continuance to June 6, 2022,
23 shall be excluded under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a
24 pretrial motion, through the conclusion of any hearing on the motion, and the prompt disposition
25 of the motion. *See* 18 U.S.C. § 3161(h)(1)(D).

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Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: March 21, 2022

/s/ Reed Grantham
REED GRANTHAM
Assistant Federal Defender
Attorney for Defendant
RAMON MAGANA

PHILLIP A. TALBERT
United States Attorney

Date: March 21, 2022

/s/ Jessica Massey
JESSICA MASSEY
Assistant United States Attorney
Attorney for Plaintiff

ORDER

IT IS SO ORDERED. The trial confirmation hearing set for April 25, 2022, and the trial set for May 10, 2022, are hereby vacated.

IT IS FURTHER ORDERED THAT a briefing schedule on the defense motion is hereby set in accordance with the above. The defense motion is to be filed on or before April 22, 2022. The government opposition is to be filed on or before May 13, 2022. Any defense reply is to be filed on or before May 27, 2022. A hearing on the motion is hereby set for June 6, 2022, at 10:00 a.m. before the Honorable Dale A. Drozd, United States District Court Judge.

Time shall be excluded to June 6, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of a pretrial motion, through the conclusion of any hearing on the motion, and the prompt disposition of the motion.

IT IS SO ORDERED.

Dated: March 21, 2022

Dale A. Drozd
UNITED STATES DISTRICT JUDGE