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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

RAMON DEJESUS MAGANA and
MAURILLO SERRANO CARDENAS,
Defendants.

Case No: 1:18-CR-00068-DAD-BAM

**STIPULATION REGARDING CONTINUANCE
OF TRIAL DATE/TRIAL CONFIRMATION
HEARING AND EXCLUDABLE TIME
PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: October 19, 2021
TIME: 8:30am
COURT: Hon. Dale A. Drozd

This matter is currently scheduled for trial beginning on October 19, 2021. The parties now seek a continuance of the trial date. Current government counsel was assigned to this case after the current trial date was selected, and will be out of state on that date. Defense counsel requests additional time to discuss a possible resolution with their clients and otherwise prepare for trial. The parties therefore stipulate that a continuance is in the interest of justice and jointly request that the trial be continued until May 10, 2022, to allow them the opportunity to prepare for trial and explore potential resolutions. The parties further request the Court exclude under the Speedy Trial Act the period from October 19, 2021, to May 10, 2022, for defense preparation and settlement exploration.

1 The parties additionally request that the Court vacate the trial confirmation hearing date currently
2 set for October 4, 2021, and reset that hearing for April 25, 2022.

3 **STIPULATION**

4 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
5 through defendants' counsel of record, hereby stipulate as follows:

6 1. By previous order, this matter was set for trial on October 19, 2021.

7 2. By this stipulation, defendant now moves to continue the trial until May 10, 2022, and to
8 exclude time between October 19, 2021, and May 10, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv)
9 [Local Code T4]. The parties also request that the Court vacate the trial confirmation hearing date
10 currently set for October 4, 2021, and reset that hearing for April 25, 2022.

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

12 a) The government asserts that the discovery associated with this case has been
13 either produced directly to counsel and/or made available for inspection and copying.

14 b) Counsel for defendants desire additional time to consult with their clients, discuss
15 potential resolutions with their clients, and to otherwise prepare for trial.

16 c) Counsel for defendants believe that failure to grant the above-requested
17 continuance would deny them the reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.

19 d) The government does not object to the continuance.

20 e) In addition to the public health concerns cited by the Court's General Orders and
21 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
22 this case because the trial cannot be conducted by videoconferencing pursuant to General Order
23 614 (CARES Act) and defendants have not invoked speedy trial rights since the case inception.
24 Additionally, given the rise in COVID-19/Delta variant infections within the District, it remains
25 to be seen whether the Court will have the ability to safely conduct a trial on the currently
26 scheduled date.

27 f) Based on the above-stated findings, the ends of justice served by continuing the
28 case as requested outweigh the interest of the public and the defendants in a trial within the

original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 19, 2021, to May 10, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' 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.

4. 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: September 10, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ Jessica A. Massey
Jessica A. Massey
Assistant U.S. Attorney

Dated: September 10, 2021

/s/ Reed B. Grantham
REED B. GRANTHAM
Counsel for Defendant
RAMON DEJESUS MAGANA

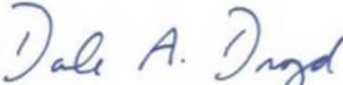
Dated: September 10, 2021

/s/ Richard M. Oberto
RICHARD M. OBERTO
Counsel for Defendant
MAURILLO SERRANO CARDENAS

FINDINGS AND ORDER

IT IS SO ORDERED.

Dated: September 14, 2021


UNITED STATES DISTRICT JUDGE