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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,) Case No. CR. S-08-193
Plaintiff,)
v.) STIPULATION AND (PROPOSED)
DOUGLASS FOWLER) ORDER TO VACATE TRIAL
Defendant.) CONFIRMATION AND TRIAL DATES
AND TO SET STATUS CONFERENCE

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Defendant Douglass Fowler, by his attorney of record, Matthew C. Bishop, and Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Jason Hitt, hereby stipulate and agree that the Trial Confirmation date currently set for September 12, 2008 at 9:00 a.m. and the Trial date currently set for September 30, 2008 at 9:00 a.m. should be vacated and that a Status conference should be set for September 19, 2008 at 9:00 a.m..

This request is based on the recent Substitution of Attorney filed on behalf of the defendant in this matter and new counsel's need to obtain and thoroughly review discovery in this matter which is believed to include in excess of 100 pages and audio tapes in an effort to adequately prepare this case for resolution or

1 trial.

2 The parties further agree and stipulate that the period of time between the
3 original Trial date of September 30, 2008 and a new Trial date set by this court at
4 the September 19, 2008 status conference should be excluded from computed
5 time for commencement of trial under the Speedy Trial Act, based upon the
6 interests of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to
7 allow defendant his choice of counsel and a reasonable time necessary for
8 effective defense preparation.

9 A proposed order granting the requested relief is submitted with this
10 stipulation.

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13 DATED: September 10, 2008

Respectfully Submitted,

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/s/Matthew C. Bishop
MATTHEW C. BISHOP
Attorney for Defendant

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17 DATED: September 10, 2008

McGREGOR W. SCOTT
United States Attorney

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/s/Matthew Bishop
Telephonically authorized to sign for
Mr. Hitt on 9-10-08
JASON HITT
Assistant U.S. Attorney

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ORDER

Based upon the representations and stipulations, **IT IS HEREBY ORDERED** that:

- 1. The Trial Confirmation currently set for September 12, 2008, at 9:00 a.m. is hereby vacated; and,
- 2. The Trial date currently set for September 30, 2008 at 9:00 a.m., is hereby vacated; and,
- 3. A Status Conference in this matter is set for September 19, 2008 at 9:00 a.m., at which time new Trial Confirmation and Trial dates shall be set; and
- 4. The Court finds that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, time under the Speedy Trial Act shall be excluded from September 30, 2008 through the new date set for trial in this matter.

DATED: 9/10/08



GARLAND E. BURRELL, JR.
United States District Judge