

1 ERIN J. RADEKIN
Attorney at Law - SBN 214964
2 428 J Street, Suite 350
Sacramento, California 95814
3 Telephone: (916) 446-3331
Facsimile: (916) 447-2988

4 Attorney for Defendant
5 ZAKIR BABATOV

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,) 2:12-cr-00225-MCE
)
11 Plaintiff,) STIPULATION AND ORDER
) TO CONTINUE STATUS CONFERENCE
12 v.)
)
13)
ZAKIR BABATOV,)
14)
Defendant.)
15 _____)

16 **STIPULATION**

17 Plaintiff, United States of America, by and through its counsel,
18 Assistant United States Attorney Michelle Rodriguez, and defendant, Zakir
19 Babatov, by and through his counsel, Erin J. Radekin, agree and stipulate to
20 vacate the date set for status conference, January 15, 2014 at 9:00 a.m., in
21 the above-captioned matter, and to continue the status conference to February
22 19, 2015 at 9:00 a.m. in the courtroom of the Honorable Morrison C. England,
23 Jr.

24 The reason for this request is that Ms. Radekin needs additional time
25 to consult with an immigration attorney regarding the immigration
26 consequences of the proposed plea agreement conveyed by the government, and
27 for the parties to finalize the plea agreement. Ms. Radekin was retained in
28

1 this case on December 11, 2014. She has reviewed the bulk of the discovery
2 and investigation completed by prior counsel, and Ms. Radekin and Ms.
3 Rodriguez have been in discussions regarding the terms of a plea agreement.
4 From such discussions it appears likely that the case will resolve; however,
5 it first necessary that Ms. Radekin consult with an immigration attorney
6 regarding the immigration consequences of any potential plea agreement. The
7 Court is advised that Ms. Rodriguez concurs with this request and has
8 authorized Ms. Radekin to sign this stipulation on her behalf.

9 The parties further agree and stipulate that the time period from the
10 filing of this stipulation until February 19, 2015 should be excluded in
11 computing time for commencement of trial under the Speedy Trial Act, based
12 upon the interest of justice under 18 U.S.C. § 3161(h)(7)(B)(iv), and Local
13 Code T4, to allow reasonable time necessary for effective defense
14 preparation. It is further agreed and stipulated that the ends of justice
15 served in granting the request outweigh the best interests of the public and
16 the defendant in a speedy trial.

17 Accordingly, the parties respectfully request the Court adopt this
18 proposed stipulation.

19 IT IS SO STIPULATED

20 Dated: January 13, 2015

BENJAMIN WAGNER
United States Attorney

21 By: /s/ Michelle Rodriguez
22 MICHELLE RODRIGUEZ
23 Assistant United States Attorney

24 Dated: January 13, 2015


/s/ Erin J. Radekin
25 ERIN J. RADEKIN
26 Attorney for Defendant
27 ZAKIR BABATOV
28

ORDER

For the reasons set forth in the accompanying stipulation and declaration of counsel, the status conference date of January 15, 2015, at 9:00 a.m. is VACATED and the above-captioned matter is set for status conference on February 19, 2015, at 9:00 a.m. The Court finds excludable time in this matter through February 19, 2015 under 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T4, to allow reasonable time necessary for effective defense preparation. For the reasons stipulated by the parties, the Court finds that the interests of justice served by granting the request outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: January 14, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT