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Attorney for Defendant,
DAVID HE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. DAVID HE, Defendant.	CASE NO.: 1:23-CR-00219-DAD-EPG-1 **STIPULATION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL TO AUGUST 24, 2026; AND ORDER**

Defendant, DAVID HE, by and through his attorney of record, Anthony P. Capozzi, and Plaintiff, United States of America, by and through its attorney of record, Assistant United States Attorney, Joseph D. Barton, hereby stipulate that the deadline to file defense's Motion for New Trial be extended to August 24, 2026. Said stipulation is based upon the declaration of Anthony P. Capozzi.

I, Anthony P. Capozzi declare:

1) This attorney represented the defendant throughout the jury trial in the above-entitled matter.
2) The transcriptions of the entire jury trial were not available until June 19, 2026.
3) The Presentencing Report Interview with the defendant could not be scheduled until July 7, 2026, which requires a continuance of the sentencing date. The projected sentencing date is October 26, 2026, in Sacramento, California.

4) This attorney has a federal jury trial schedule for July 27, 2026 in *United States v. Yama*, case number 1:21-CR-00272-JWH-EPG, before Visiting Judge John W. Holcomb, which may last approximately two weeks.

5) It is respectfully requested that the following schedule be set as follows:

	Deadline
Motion for New Trial	August 24, 2026
Government Responses	October 1, 2026
Defense Replies	October 13, 2026
Sentencing	October 26, 2026

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9th day of June, 2026.

Respectfully submitted,

/s/ Anthony P. Capozzi .
ANTHONY P. CAPOZZI, Attorney for DAVID HE

/s/ Joseph D. Barton .
JOSEPH D. BARTON, Attorney for UNITED STATES OF AMERICA

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ORDER

Pursuant to the stipulation of parties and good cause appearing, the sentencing hearing previously scheduled for August 24, 2026 in the Fresno Courthouse is continued to October 26, 2026, at 9:30 a.m. in Court 4 of the Sacramento Courthouse before District Judge Dale A. Drozd and presentence report related filing dates are modified to correspond to that new sentencing hearing date. In addition, the deadline for filing any Motion for New Trial is extended up to and including August 24, 2026, with Government Response due on October 1, 2026, Defense Reply due by October 13, 2026.

IT IS SO ORDERED.

Dated: **July 9, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE