[CAPTION]

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

|  |  |
| --- | --- |
| UNITED STATES OF AMERICA,  Plaintiff,  v.  \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*,  Defendant. | 1:\*\*-mj/cr-\*\*\*\*\*-\*\*\* or CVB Number  [**JOINT**] MOTION TO TERMINATE PROBATION PURSUANT TO 18 U.S.C. § 3564(c) and [PROPOSED] ORDER  DATE:  TIME  CRT: |
|  |  |

* [**IF** **JOINT REQUEST**- The parties by and between the parties hereto, through their respective counsel, \_\_\_\_\_\_\_\_\_\_\_, [Special] Assistant United States Attorney, counsel for plaintiff, and \_\_\_\_\_, Assistant Federal Defender, counsel for Defendant, . . . ]
* [**IF DEFENDANT ONLY**- The Defendant . . . ]

hereby move[s] pursuant to 18 U.S.C. § 3564(c) to terminate early the Defendant’s probation because the Defendant has satisfied all conditions of probation. Presently, the Defendant’s probation is set to expire on [**Set Forth Actual Date Probation Is To Expire**].

The Defendant was sentenced by this court on [**Date Of Sentencing**] to [**Set Forth All Terms Of Probation**- i*mprisonment, fine, restitution, community service, etc. (i.e., 12 months of probation unsupervised with the conditions of probation: as condition of probation to serve 10 days imprisonment, pay [$1,200 fine], [$300 in restitution], [$10 special assessment] and 45 hours of community service and obey all laws)*](***Also please note any conditions subsequently changed from original sentence due to modification or amended judgment so that those added/subtracted condition(s) can be properly assessed when considering the factors for early termination)***].

The Defendant [the parties stipulate that the Defendant] has completed all his sentencing obligations-[served his imprisonment], [paid his/her (fine)/(restitution)/(penalty assessment)], [completed community service], [other conditions] and has obeyed all laws, therefore the parties request termination of the Defendant’s probation at this time.

[**IF APPLICABLE]** The Defendant has a review hearing presented set for [**Date**] at [**Time**] in Courtroom [\_\_]. The Defendant [the parties] also move that the review hearing date should be vacated if the motion is granted.

WHEREFORE, the Defendant [the parties] request that the Defendant’s term of probation be early terminated pursuant to 18 U.S.C. § 3564(c).

DATED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[COUNSEL FOR DEFENDANT]

DATED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[COUNSEL FOR USA If Stipulated]

**ORDER**

Pursuant to the [Defendant’s motion][joint motion of the parties] to terminate early the Defendant’s term of probation, the Court has considered the factors under 18 U.S.C. § 3553(a) to the extent applicable and is satified that such action is warranted by the conduct of the Defendant and that the termination is in the interst of justice and hereby discharges the Defendant from [his/her] probationary term under18 U.S.C. § 3564(c).

The review hearing presently schedueld for [**Date**] at [**Time**] in Courtroom [\_\_\_] is hereby vacated and, if applicable, any other dates are also vacated.

DATED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

HELENA M. BARCH-KUCHTA

United States Magistrate Judge