

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

,
Plaintiff,
v.
,
Defendant.

No.

STANDING ORDER IN CRIMINAL CASES

I. Requests/Stipulations to Extend Time to File or Continue Hearing/Trial Date

Stipulations and accompanying proposed orders submitted for the court’s consideration affecting a matter on an upcoming criminal calendar shall be submitted **no later than noon (12:00 p.m.) seven (7) days before the deadline/applicable court date**, unless the courtroom deputy notifies counsel otherwise. No stipulations extending scheduling requirements or modifying applicable rules are effective until and unless the court approves them.

Requests or stipulations must set forth:

- (1) whether the defendant is in agreement with the continuance and any requested exclusion of time under the Speedy Trial Act. If the parties are requesting an exclusion of time under the Speedy Trial Act, the stipulation must set forth specific facts justifying the exclusion. Conclusory statements that the exclusion is

1 needed for effective preparation of counsel, for example, are insufficient;

2 (2) the existing due date, hearing date, or status conference date as well as any other
3 date and deadlines already set by the court (e.g. discovery cutoff date, the last date
4 for hearing motions, the trial confirmation hearing date, and/or the trial date);

5 (3) specific, concrete reasons supporting good cause for granting the extension; and

6 (4) whether there have been prior requests for extensions, and whether those requests
7 were granted or denied by the court.

8 **II. Sealing, Redacting, and Protective Orders**

9 No document will be sealed, nor shall a redacted document be filed, without the prior
10 approval of the court, unless such redaction is required pursuant to Local Rule 140. If a document
11 for which sealing or redaction is sought relates to the record on a motion to be decided by Judge
12 Coggins, the request to seal or redact should be directed to Judge Coggins and not the assigned
13 Magistrate Judge. All requests to seal or redact shall be governed by Local Rules 140 (redaction)
14 and 141 (sealing).

15 Pursuant to Local Rule 141, a Notice of Request to Seal Document(s) must be filed
16 electronically. The request to seal, a proposed sealing order (in Microsoft Word), and all
17 documents covered by the request must be emailed to DCorders@caed.uscourts.gov. If the
18 request is approved and notice of electronic filing of the sealing order is received, all documents
19 covered by the order must be emailed to ApprovedSealed@caed.uscourts.gov for filing under
20 seal.

21 Protective orders covering the discovery phase shall not govern the filing of sealed or
22 redacted documents on the public docket. The court will only consider requests to seal or redact
23 documents filed by the proponent of sealing or redaction. If a party plans to make a filing that
24 includes material an opposing party has identified as confidential and potentially subject to
25 sealing or redaction, the filing party shall provide the opposing party with sufficient notice in
26 advance of filing to allow for the opposing party to seek an order of sealing or redaction from the
27 court.

28 ////

1 **III. Pretrial Matters**

2 **A. Law and Motion Calendar**

3 The criminal law and motion calendar is generally held Friday at 9:30 a.m. The hearing
4 times are typically adjusted no later than 3:00 p.m. the day before the hearing. It is counsel's
5 responsibility to check the final calendar and appear at the confirmed hearing.

6 No matters are continued without the judge's prior consent.

7 The parties shall indicate in their written motion whether they are requesting an
8 evidentiary hearing, the anticipated length of the hearing, and any other information required by
9 the Local Rules. Unless otherwise ordered, if a party requests an evidentiary hearing, the parties
10 should be prepared to discuss whether an evidentiary hearing is necessary and the merits of the
11 motion, if the court concludes an evidentiary hearing is not necessary.

12 **B. Pretrial Motions**

13 Parties shall comply with Local Rule 302(b) regarding whether a motion should be filed
14 for Judge Coggins's consideration.

15 All pretrial motions other than motions in limine, including, but not limited to, those
16 identified in Federal Rule of Criminal Procedure 12(b)(3), must be heard at least 30 days prior to
17 the trial confirmation hearing. *See Fed. R. Crim. P. 12(c)(1).*

18 Parties are encouraged to file a stipulated briefing schedule that completes briefing no
19 later than 7 days before the date the motion is noticed for hearing. If a party does not oppose a
20 noticed motion, a party must file a statement of non-opposition to that effect. No party will be
21 entitled to be heard in opposition to a motion at oral argument if that party has not timely filed an
22 opposition to the motion.

23 **C. Briefing**

24 All briefs must be submitted using no less than 12 pt font size, including footnotes.
25 Footnotes should be used sparingly.

26 All moving and opposition briefs shall not exceed twenty (20) pages without prior leave
27 of court. Reply briefs filed by moving parties shall not exceed ten (10) pages. The page limit does
28 not include the table of contents or table of authorities. A party may request a page limit increase

1 by filing a written request setting forth all reasons for the request at least seven (7) days prior to
2 the filing of the brief. The court will grant a request to extend the page limits only upon a
3 showing of good cause. The court will not consider any pages in the brief that exceed the page
4 limits without prior leave of court permitting an increased page limit.

5 The court will not consider supplemental briefs or sur-replies absent prior leave of court.

6 Multi-page exhibits shall be internally paginated beginning with the number one;
7 references to those exhibits shall refer to the exhibit designation and page number (i.e., Ex. 1 at
8 11.).

9 **D. Proposed Orders**

10 The parties may submit proposed orders with criminal motions set for hearing before
11 Judge Coggins. If a proposed order is required under relevant authority (such as orders granting
12 early termination of supervised release, see Section IV), it shall be submitted in compliance with
13 Local Rule 137(b) and emailed in Microsoft Word format to DCorders@caed.uscourts.gov.

14 **E. Subpoena Requests**

15 1. Rule 17(c) Subpoena Requests

16 Unless the court orders otherwise, these requests should be submitted to the duty
17 Magistrate Judge.

18 2. Rule 17(b) Subpoena Requests

19 These requests should be submitted to Judge Coggins with supporting documentation of
20 necessity.

21 **IV. Motions for Early Termination of Supervised Release**

22 All motions for early termination of supervised release shall state the positions of
23 Probation, the Defendant, and the Government. If the court grants a motion for early termination
24 of supervised release filed by the Defendant, the Defendant shall, within five (5) days, file a
25 proposed order that has been approved by Probation as to form for the court's review.

26 **V. Interpreter Services**

27 It is the responsibility of counsel to arrange for the services of an interpreter prior to the
28 scheduled hearing date. It is also the responsibility of counsel to cancel interpreter services prior

1 to the scheduled hearing date.

2 Interpreter services for a hearing may be arranged by contacting Yolanda Riley-Portal
3 with the Court's Interpreter Office, at (916) 930-4221 or yriley-portal@caed.uscourts.gov.

4 **VI. Judgment and Sentencing**

5 Once the court takes a Defendant's plea, the court will set a date for judgment and
6 sentencing.

7 No less than forty-two (42) days before the sentencing hearing, the probation officer's
8 proposed presentence report, including the probation officer's recommendations, will be made
9 available to both parties. Any objection to the report must be provided to the probation officer and
10 opposing party, in writing, no less than twenty-eight (28) days before the sentencing hearing. The
11 probation officer shall submit the presentence report and recommendation to Judge Coggins no
12 less than twenty-one (21) days before the sentencing hearing. Formal objections to the
13 presentence report, including objections to any special conditions requested by the probation
14 officer, must be filed no less than fourteen (14) days before the sentencing hearing.

15 Parties may also submit a written sentencing memorandum pursuant to Local Rule 461(g).
16 Any sentencing memoranda **must be filed at least seven (7) days prior to the sentencing**
17 **hearing**. If the Government intends to seek the immediate remand of a Defendant who is out-of-
18 custody at the time of sentencing, the Government must state as such in their sentencing
19 memorandum.

20 Any requests to continue judgment and sentencing must be filed by the party requesting
21 the continuance and state with particularity the reasons for the request.

22 **VII. Summary Table of Deadlines**

23

Description	Deadline
Stipulation/Request to Continue	7 Days Before the Hearing/Trial by Noon (12pm)
Change of Plea – Copy of Plea Agreement	3 Court Days Before Entry of the Plea by Noon (12pm)
Pretrial Motions	30 Days Before Trial Confirmation Hearing
Discovery Cut-Off	14 Days Before Trial Confirmation Hearing

24
25
26
27
28

1 **NOTICE OF THIS ORDER**

2 Counsel for plaintiff shall immediately serve this order on all parties, including any new
3 parties added to the action in the future, unless this case came to the court by noticed removal, in
4 which case defendant shall serve this order on all other parties

5 **These standing orders are subject to change; therefore, parties are encouraged to**
6 **check Judge Coggins’s webpage on the Eastern District of California website for her**
7 **current standing orders.**

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28