

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**

UNITED STATES OF AMERICA,
Plaintiff
v.
[NAME],
Defendant(s)

Case No.: [CASE NO.]

STANDING ORDER IN CRIMINAL CASES

I. LAW AND MOTION

A. Calendar

The criminal law and motion calendar for District Judge Daniel J. Calabretta is held on Thursdays commencing at 9:00 AM. All motions shall be noticed for hearing on Judge Calabretta’s criminal law and motion calendar with the exception of motions for bail review. Hearing dates are not reserved; however, counsel shall contact Gabriel Michel, Courtroom Deputy for Judge Calabretta, via email (gmicHEL@caed.uscourts.gov), to obtain available hearing dates. Oral argument on all motions shall be conducted in person in Courtroom 10. The parties shall indicate in their written motion whether they are requesting an evidentiary hearing, the anticipated length of that hearing, and any other information required by the Local

1 Rules. Unless otherwise ordered, if a party requests an evidentiary hearing, at oral
2 argument the parties should be prepared to discuss whether an evidentiary hearing
3 should be held, as well as the merits of the motion if the Court concludes an
4 evidentiary hearing is not required.

5 **B. Briefing**

6 All briefs must be submitted using a font of 12 pt size. Footnotes must be no
7 more than two sizes smaller than the text size. Parties are encouraged to use a sans
8 serif font such as Arial or Helvetica for ease of electronic reading.

9 All moving and opposition briefs or legal memoranda in criminal cases shall not
10 exceed twenty-five pages without prior leave of court. Reply briefs filed by moving
11 parties shall not exceed fifteen pages. The Court will grant an application to extend
12 these page limitations only after good cause is shown. Pages that exceed the page
13 limitations without leave of court will not be considered. Finally, no supplemental
14 briefs or sur-replies shall be filed and will not be considered without prior leave of
15 court.

16 **C. Pretrial Motions**

17 The motions listed in Local Rule 302(b)(1) shall be filed before Judge
18 Calabretta. All other pretrial motions shall be filed before the appropriate Magistrate
19 Judge.

20 Pretrial motions must be filed in writing not less than 14 days before the date
21 the motion is noticed for hearing. Any opposition to a noticed motion shall be served
22 and filed within 7 days after the motion is filed. If a party does not oppose a noticed
23 motion, a party must file a statement of non-opposition to that effect. Any reply shall
24 be served and filed not more than 4 days after the opposition is due. No party will be
25 entitled to be heard in opposition to a motion at oral argument if that party has not
26 timely filed an opposition to the motion.

27 Unless a different deadline is expressly ordered by the Court, all pretrial
28 motions, including but not limited to those identified in Federal Rule of Criminal

1 Procedure 12(b)(3), must be heard at least thirty (30) days prior to a Trial Confirmation
2 Hearing. See Fed. R. Crim. P. 12(c)(1).

3 **D. Proposed Orders**

4 The parties are generally not required to submit proposed orders with criminal
5 motions set for hearing before Judge Calabretta. If a proposed order is ever required
6 (such as for orders granting early termination of supervised release, see Section VII), it
7 shall be submitted in compliance with Local Rule 137(b) and e-mailed in Microsoft
8 Word format to DJCorders@caed.uscourts.gov.

9
10 **II. SEALING, REDACTED, AND PROTECTIVE ORDERS**

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

17 **A. Requests for Sealing**

18 All requests for sealing must comply with the requirements of Local Rule 141
19 and Federal Rules of Criminal Procedure. Additionally, the moving party must clearly
20 state in their motion whether or not the request is opposed by another party. If the
21 request is opposed or the moving party does not state that the motion to seal is
22 unopposed, all other parties must submit either an opposition or notice of non-
23 opposition within three days of the date of service of the Notice of Request to Seal
24 Documents. See Local Rule 141(c).

25 Pursuant to Local Rule 141, a Notice of Request to Seal Document(s) must be
26 filed electronically. The Request to Seal, a proposed sealing order (in Word), and all
27 documents covered by the request must be emailed to
28 DJCorders@caed.uscourts.gov. If the request is approved and notice of electronic

1 filing of the sealing order is received, all documents covered by the order must be
2 emailed to ApprovedSealed@caed.uscourts.gov for filing under seal.

3 **B. Protective Orders**

4 Protective orders covering the discovery phase shall not govern the filing of
5 sealed or redacted documents on the public docket. The Court will only consider
6 requests to seal or redact filed by the proponent of sealing or redaction. If a party
7 plans to make a filing that includes material an opposing party has identified as
8 confidential and potentially subject to sealing or redacting, the filing party shall
9 provide the opposing party with sufficient notice in advance of filing to allow for the
10 seeking of an order of sealing or redaction from the court.

11
12 **III. APPLICATIONS OR STIPULATIONS TO EXTEND THE TIME TO FILE ANY**
13 **REQUIRED DOCUMENT OR TO CONTINUE ANY TRIAL CONFIRMATION**
14 **HEARING OR TRIAL DATE**

15 No stipulations extending scheduling requirements or modifying applicable
16 rules are effective until and unless the Court approves them. Both applications and
17 stipulations must be filed well in advance of the date due and set forth:

- 18 (1) the existing due date, hearing date, or status conference date as well as
19 any other dates and deadlines already set by the Court (e.g., discovery
20 cutoff date, the last date for hearing motions, the trial confirmation
21 hearing date, and/or the trial date);
22 (2) specific, concrete reasons supporting good cause for granting the
23 extension; and
24 (3) whether there have been prior requests for extensions, and whether
25 these were granted or denied by the court.

26 Stipulations that have the effect of continuing the trial date are disfavored.
27
28

1 **IV. DISCOVERY**

2 All parties are required to comply with the disclosure requirements set out in
3 the Federal Rules of Criminal Procedure, the Local Rules, and the relevant case law.
4 Unless other dates are set by the Court, all requests, reciprocal requests, and
5 disclosures under Federal Rule of Criminal Procedure 16, aside from discovery
6 generated as part of the trial preparation process itself, should be made prior to the
7 Court setting Trial and Trial Confirmation Hearing dates. If these requests and
8 disclosures are not made prior to the Court setting a Trial date and Trial Confirmation
9 Hearing, the Court will enter an Order setting forth discovery deadlines in the Order
10 setting the Trial and Trial Confirmation Hearing dates. Discovery generated as part of
11 the trial preparation process shall be disclosed as expeditiously as possible.

12
13 **V. TRIAL**

14 A Trial Confirmation Hearing will be set on a date prior to the Trial date. At the
15 Trial Confirmation Hearing, the Court will set dates for the filing motions in limine, the
16 submission of exhibits, and other trial-related documents/deadlines. All pretrial
17 motions, except motions in limine, must be heard at least thirty (30) days prior to the
18 Trial Confirmation hearing, absent good cause or a Court order setting a different
19 deadline for such motions.

20 Prior to trial, parties are encouraged to review Judge Calabretta's Trial
21 Procedures available on his page on the Eastern District's website.

22
23 **VI. CHANGE OF PLEA**

24 If the Government intends to seek the immediate remand of a Defendant who is
25 out-of-custody at the time of the change of plea, they must notify the Court of their
26 intent to seek remand when the plea agreement is provided to the Court.

27
28

1 **VII. JUDGMENT AND SENTENCING**

2 Once the Court takes a Defendant's plea, the Court will set a date for Judgment
3 and Sentencing.

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

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

18 Any requests to continue Judgment and Sentencing must be made by the party
19 requesting the continuance and state with particularity the reasons for the request.

20
21 **VIII. MOTIONS FOR EARLY TERMINATION OF SUPERVISED RELEASE**

22 All motions for early termination of supervised release shall state the positions
23 of Probation, the Defendant, and the United States. If the Court grants a motion for
24 early termination of supervised release filed by the Defendant, the Defendant shall,
25 within five days, file a proposed order that has been approved by Probation as to
26 form.

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

DATED:

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE