[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 MODIFY CONDITION OF PROBATION PURSUANT TO 18 U.S.C. §\_ 3563(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. § 3563(c) to modify a condition of the Defendant’s 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] requests that the Defendant’s condition of probation be modified as follows:

[Special] Condition [Number One] of probation which requires that the Defendant [fill in] be vacated [modified to impose . . . .]

The Defendant [the parties stipulate that the Defendant] requests that the Defendant’s probation be modified by extending/reducing the Defendant’s probation by \_\_\_ months with an expiration of probation on \_\_\_\_\_\_\_\_\_\_.

**[Add Reason For Change Of Condition]**

[**IF APPLICABLE Deal with any Future Affected Hearings**

WHEREFORE, the Defendant [the parties] request that the Defendant’s condition(s) of probation be modified pursuant to 18 U.S.C. § 3563(c).

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

[COUNSEL FOR DEFENDANT]

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

[COUNSEL FOR USA If Stipulated]

**ORDER**

Pursuant to the [Defendant’s motion][stipluation of the parties] to modify the Defendant’s condiction(s) of probation, the Court hereby modifies under 18 U.S.C. § 3563(c) the Defendant’s condtions of probation as follows: [add prosped modfication].

All other conditions of probation shall remain in full force and effect.

[**Add any proposed changes to hearings affected by the modification**]

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

HELENA M. BARCH-KUCHTA

United States Magistrate Judge