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8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 NIKISHNA POLEQUAPTEWA,

16 Defendant.  
17

No. SA CR 16-36-CJC

STIPULATION REGARDING THE NINTH  
CIRCUIT'S MANDATE

18  
19 Plaintiff United States of America, by and through its counsel  
20 of record, the United States Attorney for the Central District of  
21 California and Assistant United States Attorney Vibhav Mittal, and  
22 defendant NIKISHNA POLEQUAPTEWA, by and through his counsel of  
23 record, Deputy Federal Public Defender Jonathan K. Ogata, hereby  
24 stipulate as follows:

25 1. Defendant was convicted at trial following the Court's  
26 denial of his motion to suppress. Defendant appealed his  
27 conviction, including the denial of the motion to suppress.  
28

1           2.    On May 26, 2021, the United States Court of Appeals for  
2 the Ninth Circuit ("Ninth Circuit") issued a memorandum, vacating  
3 the Court's denial of the motion to suppress and remanding the  
4 matter with instructions to conduct a new trial only if the Court  
5 grants the suppression motion on remand.

6           3.    On June 17, 2021, the Ninth Circuit issued its formal  
7 mandate.

8           4.    Since the issuance of the mandate, the parties have been  
9 conferring on next steps. Moreover, counsel for defendant (who was  
10 not trial counsel prior to the appeal) is conferring with defendant  
11 on next steps.

12          5.    Defendant would like until August 27, 2021, to confer with  
13 counsel for defendant and the government on next steps, including a  
14 proposed briefing schedule and hearing date.

15          6.    The continuance is necessary to allow counsel for  
16 defendant to become sufficiently familiar with the matter and confer  
17 with defendant.

18          7.    To the extent defendant has a right to have this matter  
19 heard before then, counsel for defendant has conferred with  
20 defendant and counsel for defendant represents that defendant waives  
21 any such right.

22          8.    The government has no objection to this requested  
23 continuance.

1           9.    If the request is granted, the parties will file a  
2 stipulation by or on August 27, 2021, along with a proposed order,  
3 to set further dates in this matter.

4           IT IS SO STIPULATED.

5       Dated: July 27, 2021

TRACY L. WILKISON  
Acting United States Attorney

SCOTT M. GARRINGER  
Assistant United States Attorney  
Chief, Criminal Division

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9                               /s/  
10                              VIBHAV MITTAL  
11                              Assistant United States Attorney  
12                              Deputy Chief, Santa Ana Branch  
13                              Office

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

14           /s/ per email authorization

July 27, 2021

15           JONATHAN K. OGATA  
16           Attorney for Defendant  
17           NIKISHNA POLEQUAPTEWA

Date