

1 **MICHAEL B. BIGELOW**  
2 Attorney at Law SBN 65211  
3 331 J Street, Suite 200  
4 Sacramento, CA 95814  
5 (916) 443-0217  
6 LawOffice.mbigelow@gmail.com

7 Attorney for Arquimedes Mendoza

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARQUIMEDES MENDOZA, ) No. CIV 09-01710 MCE DAD  
)  
Plaintiff, ) STIPULATION AND  
) ORDER FOR CONTINUANCE OF  
v. ) EVIDENTIARY HEARING  
)  
MATHEW CATE, )  
)  
Defendant. )  
\_\_\_\_\_ )

The parties in the above captioned case have met and conferred and have agreed to continue the evidentiary hearing in the matter, presently scheduled June 8, 2015, and jointly request this Court grant their request.

April 31, 2015, the reply brief in United States v Broadnax was filed in the Ninth Circuit, and on April 14, 2015, undersigned participated in oral in the matter of Seeboth v Mayberg in that same Court. Both cases required considerable work and preparation prior to those dates. Then, on April 22, 2015 the Ninth Circuit Court of Appeal short set oral argument in the matter of Holmes v Johnson, USCA 14-15530 for June 11, 2015. In fact, appellant's

1 reply brief had not been filed and will not be filed until the end  
2 of this week.

3 Respondent's counsel has faced similar scheduling and work  
4 conflicts. This past week the California Supreme Court scheduled  
5 argument in Los Angeles on June 2, 2015. He will, in his words,  
6 "be wrapped up in preparing for that for the remainder of the  
7 month."  
8

9 In addition, the parties agree that a joint interview of the  
10 trial judge should be accomplished, if possible. Moreover,  
11 respondent has agreed to facilitate an interview with the  
12 prosecutor in this matter. Neither interview has occurred because  
13 of scheduling problems. For these reasons the parties request a  
14 continuance of the evidentiary hearing.  
15

16 Both counsel are available August 17, 2015 and August 23,  
17 2015 for the evidentiary hearing. Should the Court wish another  
18 date, the parties shall of course accommodate the Court's  
19 schedule.  
20

21 Accordingly, it is respectfully requested by both parties  
22 that the evidentiary hearing date be moved to either August 17,  
23 2015, August 23, 2015, or a date more convenient to the Court.  
24

25 Dated: May 12, 2015

Respectfully submitted,

26 /s/ Michael Bigelow

27 MICHAEL BIGELOW

28 Attorney for Petitioner

1 **IT IS SO STIPULATED**

2 /S/Michael B. Bigelow  
3 MICHAEL B. BIGELOW  
4 Attorney for Petition

Dated: May 12, 2015

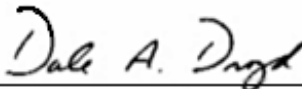
5 /s/ Kevin Quade  
6 KEVIN QUADE  
7 Attorney for Respondent

Dated: May 12, 2015

8  
9 **ORDER**

10 IT IS HEREBY ORDERED THAT, pursuant to the stipulation of the  
11 parties, the evidentiary hearing in the above-captioned matter is  
12 continued to August 17, 2015

13 **Dated: May 15, 2015**

14   
15 \_\_\_\_\_  
16 DALE A. DROZD  
17 UNITED STATES MAGISTRATE JUDGE

18 DAD:8  
19 Mendoza1710.cont  
20  
21  
22  
23  
24  
25  
26  
27  
28