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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	USCA 12-30005
)	
Plaintiff-Appellee,)	USDC CR-10-00148-N-BLW
)	
vs.)	GOVERNMENT’S MOTION
)	TO MOVE ORAL
EDGAR J. STEELE,)	ARGUMENT DATE
)	WITHIN THE CALENDAR
Defendant-Appellant.)	
)	

The United States of America, by and through Wendy J. Olson, United States Attorney, and the undersigned Assistant United States Attorney for the District of Idaho, seeks to move oral argument from Monday, July 8th to Friday, July 12th, pursuant to Ninth Circuit Rule 34-2. Although counsel for the

**GOVERNMENT’S MOTION TO MOVE ORAL ARGUMENT DATE
WITHIN THE CALENDAR - 1**

Government has repeatedly tried to contact defense counsel to ascertain his position this week, she has been unable to reach him. Accordingly, the position of defense counsel on this motion is unknown at this time.

The Court recently scheduled the oral argument in this case for 9:00 a.m. on Monday, July 8th, in Portland, Oregon. The United States respectfully requests that the date of the argument be moved to Friday, July 12th. As set forth in the attached declaration, the need for the current motion stems from the budget restraints of sequestration. Government counsel will be arguing two other cases for the District of Idaho on Friday, July 12th. The move would allow for a short and more efficient trip, at significant savings to the Government.

The Defendant is currently incarcerated at USP Victorville in Adelanto, CA. He is expected to complete his term of imprisonment on January 1, 2054.

Dated this 10th day of May, 2013.

WENDY J. OLSON
United States Attorney
by:

s/ Syrena C. Hargrove
SYRENA C. HARGROVE
Assistant United States Attorney

**GOVERNMENT'S MOTION TO MOVE ORAL ARGUMENT DATE
WITHIN THE CALENDAR - 2**

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Government's Motion to Continue Oral Argument Date within the Calendar with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 10th, 2013.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Syrena C. Hargrove
SYRENA C. HARGROVE
Assistant United States Attorney

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,) USCA 12-30005
)
Plaintiff-Appellee,) USDC CR-10-00148-N-BLW
)
vs.) **DECLARATION IN**
) **SUPPORT OF**
EDGAR J. STEELE,) **GOVERNMENT’S MOTION**
) **TO MOVE ORAL**
Defendant-Appellant.) **ARGUMENT DATE**
)

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

I, Syrena C. Hargrove, pursuant to Federal Rule of Appellate Procedure
26(b) and Ninth Circuit Rule 34-2, do hereby declare:

**DECLARATION IN SUPPORT OF GOVERNMENT’S MOTION TO
MOVE ORAL ARGUMENT DATE - 1**

1. I am an Assistant United States Attorney for the District of Idaho. I prepared and filed the United States' answering brief, which was filed on November 30, 2012 (ECF No. 26).

2. On May 7, 2013, this Court scheduled this case for oral argument on July 8th, in Portland, Oregon.

3. I will be arguing two other cases that week: *United States v. Bernal*, 12-30098, and *United States v. Arciniega-Meda*, 12-30256. Argument in those cases is scheduled for Friday, July 12th. (The Assistant United States Attorney handling a third Idaho case currently scheduled for Friday – *United States v. Romos-Gonzales*, 12-30204 – is moving for a continuance of that argument.)

4. In the interest of maintaining my office's dwindling travel budget during sequestration and saving taxpayer money, I request that the argument in *United States v. Steele* be moved to Friday, May 12, 2013, so that all three cases may be argued in one day and I may make only one short trip to Portland.

5. Unfortunately, despite leaving multiple messages for opposing counsel over the course of this week, I have been unable to ascertain his position. Accordingly, I am unable to report whether he assents to or opposes this motion.

6. For the foregoing reasons, I request that the argument in *United States v. Steele*, 12-30005, be moved to Friday, July 12th.

**DECLARATION IN SUPPORT OF GOVERNMENT'S MOTION TO
MOVE ORAL ARGUMENT DATE - 2**

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th day of May, 2013.

WENDY J. OLSON
United States Attorney
by:

s/ Syrena C. Hargrove
SYRENA C. HARGROVE
Assistant United States Attorney

**DECLARATION IN SUPPORT OF GOVERNMENT'S MOTION TO
MOVE ORAL ARGUMENT DATE - 3**

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Declaration In Support of Government's Motion to Move Oral Argument Date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 10th, 2013.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Syrena C. Hargrove
SYRENA C. HARGROVE
Assistant United States Attorney