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8 Attorneys for Raul DeLeon

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT
11 FRESNO

12 UNITED STATES

13 PLAINTIFF,

14 V.

15 RAUL DeLEON

16 DEFENDANT.
17 _____/

CASE NO. 08-CR-00220 OWW

[Proposed] ORDER RE: MOTION
TO DISMISS

Date: March 16, 2009
Time: 9:00 a.m.

18 Having considered Defendant's Notice of Motion and Motion to Dismiss
19 and all writing associated with such motion, as well as Defendant's Reply to
20 Plaintiff's Opposition and all writing related to such Reply, and as well as the oral
21 arguments of Plaintiffs and Defendant presented on March 16, 2009 in the above
22 referenced matter regarding Defendant's Motion to Dismiss, the Court GRANTS
23 Defendant's Motion to Dismiss in its entirety and rules as follows:

24 (1) The Government's abuse of the grand jury process constitutes as
25 outrageous government conduct in violation of the Due Process Clause, such that
26 dismissal of indictments against Raul DeLeon is warranted.

1 The Motion to Dismiss is granted in its entirety.

2 IT IS SO ORDERED.

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4 Dated: _____, 2009

By: _____
Oliver W. Wanger, Judge
United States District Court for the
Eastern District of California, Fresno
Division

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