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

10
11 UNITED STATES OF AMERICA,) CASE NO. 1:08-CR-0220 OWW
12)
Plaintiff,) GOVERNMENT'S OPPOSITION TO
13) DEFENDANT'S MOTION TO DISMISS
v.)
14)
15 RAUL DELEON,) Date: March 16, 2009
Defendant.) Time: 9:00 a.m.
16) Courtroom: Three
Hon. Oliver W. Wanger

17
18 The United States of America, by and through its undersigned
19 counsel, hereby submits its Opposition to defendant Raul DeLeon's
20 Motion to Dismiss the Indictment in this case for Prosecutorial
21 Misconduct and Entrapment.

22 Insofar as defendant's argument is the same as that raised in
23 his previous Motion to Dismiss, the United States respectfully refers
24 the Court to its Opposition and attached Exhibits in Support of the
25 government's Opposition to defendant's Motion to Dismiss.

26 Furthermore, the defendant persists in mischaracterizing the
27 government's theory of prosecution in this case. The government is
28 not prosecuting the defendant for revealing the existence of the

1 grand jury subpoena to Mr. Holloway, but rather is prosecuting the
2 defendant for not being truthful to investigators when asked about
3 that fact.

4 For the reasons set forth in its earlier Opposition to Motion to
5 Dismiss, the government respectfully requests that the instant Motion
6 to Dismiss be denied.

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8 LAWRENCE G. BROWN
Acting United States Attorney

9 Date: February 17, 2009

10 _____/s/_____
By: MARK E. CULLERS
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11 Assistant United States Attorneys
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