

No. 14-10499

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SUSAN XIAO-PING SU,

Defendant-Appellant.

**THE UNITED STATES' UNOPPOSED MOTION FOR A 16-DAY
EXTENSION OF TIME TO FILE ITS ANSWERING BRIEF**

The United States hereby moves for a 16-day extension of time in which to file its answering brief in the above-captioned appeal. The appellee's brief is currently due on April 1, 2015. This motion would extend the time for filing the appellee's brief until April 17, 2015. The United States has sought one previous 30-day extension in this case. This motion is made under Fed. R. App. P. 27 and Ninth Circuit Rule 31-2.2(b), and is supported by the accompanying declaration of Assistant United States Attorney Owen Martikan.

The defendant is in custody, and the court reporter is not in default with respect to any transcripts.

The appellant does not oppose this motion.

DATED: March 25, 2015

Respectfully submitted,

MELINDA HAAG

United States Attorney

BARBARA J. VALLIERE

Chief, Appellate Division

/s/

OWEN P. MARTIKAN

Assistant United States Attorney

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UNITED STATES OF AMERICA

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DECLARATION OF OWEN MARTIKAN SUPPORTING THE UNITED STATES' UNOPPOSED MOTION FOR A 16-DAY EXTENSION OF TIME TO FILE ITS OPENING BRIEF

I, Owen Martikan, declare:

1. I am an Assistant United States Attorney in the United States' Attorney's Office for the Northern District of California. I am the attorney responsible for preparing the government's answering brief in the above-captioned appeal.
2. The government's brief is currently due on April 1, 2015. For the reasons set forth below, I am requesting a 16-day extension to file this brief. I have previously sought one 30-day extension in this case.

3. I am seeking this extension because of the relatively large record in this case, which has taken longer than I had anticipated to review, and to incorporate additional time for internal review of my draft brief. I have exercised diligence in preparing the government's answering brief, and do not anticipate that any further extension will be necessary.

4. I have learned from appellant's counsel that appellant does not oppose this requested extension.

5. I am not aware that the court reporter is in default with regard to any of the designated transcripts.

6. Appellant is currently in custody, with an anticipated release date of August 5, 2028.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on March 25, 2015, in San Francisco, California.

s/ Owen P. Martikan
OWEN P. MARTIKAN
Assistant United States Attorney