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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA) CR. NO. S-05-240 GEB (GGH)
12)
13 Plaintiff,) GOVERNMENT'S EX PARTE NOTICE OF
14 v.) INTENTION TO APPEAL MAGISTRATE
15) JUDGE'S ORDER GRANTING RELEASE ON
16 UMER HAYAT, et al.,) BAIL AND APPLICATION FOR A STAY;
17) [PROPOSED] ORDER
18)
19) Date: None
20) Time: None
21) Court: Hon. Gregory G. Hollows
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NOTICE AND APPLICATION

The Government hereby advises the Court that it intends to appeal this Court's order of September 26, 2005 setting bail and conditions of release for defendant Umer Hayat. At present, defendant has not satisfied the conditions of release set by this Court and remains in custody.

The Government respectfully requests this Court to stay its bail order, including any subsequent order to release the defendant

1 from custody, pending resolution of this appeal.

2 The government will file its appeal brief on or before October
3 11, 2005, in accordance with the requirements of Local Rule Crim.
4 12-430(j), and Fed.R.Crim.P. 45.

5 DATED: September 26, 2005

6 Respectfully submitted,

7 MCGREGOR W. SCOTT
8 United States Attorney

9 By: /s/ TICE-RASKIN
10 S. ROBERT TICE-RASKIN
11 Assistant U.S. Attorney

12 **ORDER**

13 The Court hereby stays execution of its Order of September 26
14 2005, setting terms and conditions for the release of defendant Umer
15 Hayat. Defendant shall remain in pretrial custody pending further
16 order of this Court or any other court with jurisdiction over this
17 matter.

18 DATED: September __, 2005

19 _____
20 GREGORY G. HOLLOWS
21 Chief U.S. Magistrate Judge