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10 Attorneys for Defendant ELIZABETH A. HOLMES

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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
18 Plaintiff,)
19 v.) **MS. HOLMES' UNOPPOSED**
20 ELIZABETH HOLMES and) **ADMINISTRATIVE MOTION TO SET NEW**
RAMESH "SUNNY" BALWANI,) **REPORTING DATE**
21 Defendants.) Hon. Edward J. Davila
22)
23)
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25)

MEMORANDUM OF POINTS AND AUTHORITIES

1
2 Defendant Elizabeth Holmes, by undersigned counsel, respectfully moves the Court to set a new
3 date for Ms. Holmes to report to the Bureau of Prisons.

4 On November 18, 2022, this Court sentenced Ms. Holmes to 135 months’ incarceration, and
5 ordered that she self-surrender on or before 2:00 p.m. on April 27, 2023. 11/18/22 Sent. Tr. at 133-134;
6 *see also* Dkt. 1716 (judgment). Ms. Holmes’ April 27 reporting date was automatically stayed when she
7 filed a motion for release pending appeal in the Ninth Circuit. Dkt. 1759; *see also* Ninth Circuit Rule 9-
8 1.2(e) (“If the appellant is on bail at the time the motion is filed in this Court, that bail will remain in
9 effect until the Court rules on the motion.”). On May 16, 2023, the Ninth Circuit denied Ms. Holmes’
10 motion. *United States v. Holmes*, No. 22-10312 (May 16, 2023), Dkt. 52.

11 Given that Ms. Holmes’ April 27 reporting date has now passed, Ms. Holmes respectfully
12 requests an order from this Court setting a new reporting date. Ms. Holmes is preparing to report to the
13 Bureau of Prisons. These preparations include out-of-state travel to her Bureau of Prisons facility and
14 medical and child-care arrangements in anticipation of beginning her 135-month sentence. In order for
15 Ms. Holmes to get all of these affairs in order, she respectfully requests that the Court set a new
16 reporting date two weeks from the order, May 30, 2023. *See United States v. Balwani*, No. 5:18-cr-258,
17 Dkt. 1756 (setting two-week self-surrender date following Ninth Circuit denial order). The government
18 has no objection to this request. *See* Declaration of Amy Mason Saharia in Support of Unopposed
19 Administrative Motion to Set New Reporting Date.

20
21 DATED: May 17, 2023

22 /s/ Amy Mason Saharia
23 KEVIN DOWNEY
24 LANCE WADE
25 AMY MASON SAHARIA
26 KATHERINE TREFZ
27 Attorneys for Elizabeth Holmes

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2023 a copy of this filing was delivered via ECF on all counsel
of record.

/s/ Amy Mason Saharia
AMY MASON SAHARIA
Attorney for Elizabeth Holmes

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
15)
16 Plaintiff,) **DECLARATION OF AMY MASON SAHARIA**
17 v.) **IN SUPPORT OF MS. HOLMES' UNOPPOSED**
18 ELIZABETH HOLMES,) **ADMINISTRATIVE MOTION TO SET NEW**
19 Defendant.) **REPORTING DATE**
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21) Hon. Edward J. Davila
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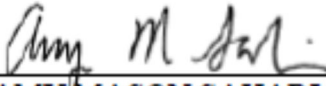
1 I, AMY MASON SAHARIA, declare as follows:

2 1. I represent Defendant Elizabeth Holmes in the above-captioned matter and have been
3 admitted to practice *pro hac vice* in this matter. Pursuant to Criminal Local Rule 47-2(b) and Civil
4 Local Rule 7-5, I submit this declaration in support of Ms. Holmes' Unopposed Administrative Motion
5 to Set New Reporting Date ("Motion").

6 2. On May 17, 2023, pursuant to Local Civil Rule 7-11(a), soon after the Ninth Circuit
7 issued its order denying Ms. Holmes' motion for release pending appeal, defense counsel contacted
8 counsel for the government by email and asked for the government's position on the relief sought for a
9 May 30, 2023 reporting date.

10 3. Counsel for the government responded stating it has no objection to the requested relief.

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12 Executed this 17th day of May, 2023 in Washington, DC.

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16 AMY MASON SAHARIA
17 Attorney for Elizabeth Holmes
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
15 Plaintiff,)
16 v.) **[PROPOSED] ORDER GRANTING MS.**
17) **HOLMES' UNOPPOSED ADMINISTRATIVE**
18 ELIZABETH HOLMES and) **MOTION TO SET NEW REPORTING DATE**
RAMESH "SUNNY" BALWANI,)
19 Defendants.)
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