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9 Attorneys for Defendant ELIZABETH A. HOLMES

10  
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. ) **DEFENDANT ELIZABETH A. HOLMES'**  
17 ) **NOTICE OF AUTOMATIC STAY OF BUREAU**  
ELIZABETH HOLMES and ) **OF PRISONS REPORTING DATE**  
18 RAMESH "SUNNY" BALWANI, )  
19 Defendants. )  
20 )  
21 )  
22 )

1 **NOTICE OF AUTOMATIC STAY OF BUREAU OF PRISONS REPORTING DATE**

2 PLEASE TAKE NOTICE that Defendant Elizabeth A. Holmes' Bureau of Prisons reporting date  
3 of April 27, 2023 has been automatically stayed by the United States Court of Appeals for the Ninth  
4 Circuit by operation of the Ninth Circuit Rules.

5 Ninth Circuit Rule 9-1.2(e) states that "[i]f the appellant is on bail at the time the motion is filed  
6 in this Court, that bail will remain in effect until the Court rules on the motion." "The operation of the  
7 rule ... is automatic and provides an appellant, who is still released, whether on bond or on his or her  
8 own recognizance, with an automatic stay of surrender upon the filing in this court of a motion for bail  
9 pending appeal." *United States v. Fuentes*, 946 F.2d 621, 622 (9th Cir. 1991); *accord United States v.*  
10 *Kakkar*, No. 5:13-cr-00736-EJD, 2017 WL 4163291, at \*1 (N.D. Cal. Sept. 20, 2017).

11 Ms. Holmes filed her motion for release pending appeal in the Ninth Circuit on April 25, 2023.  
12 The motion and the electronic filing confirmation are attached. Ex. 1. Ms. Holmes was on bail at the  
13 time the motion was filed. Therefore, that bail automatically remains in effect until the Ninth Circuit  
14 has ruled on her motion. Counsel for Ms. Holmes has informed her Pretrial Services Officers of the  
15 effect of Ninth Circuit Rule 9-1.2(e) and her appellate motion. Ex. 2. This notice is to ensure that all  
16 interested governmental personnel are also informed through the ECF system.

17 Dated: April 26, 2023

18  
19 /s/ Amy Mason Saharia  
20 KEVIN DOWNEY  
21 LANCE WADE  
22 AMY MASON SAHARIA  
23 KATHERINE TREFZ  
24 Attorneys for Elizabeth Holmes  
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