

2 Diane C. Bass, State Bar # 155670
3 Law Office of Diane C. Bass
4 301 Forest Avenue
5 Laguna Beach, California 92651
6 Telephone: (949) 494-7011

7 Attorney for Defendant
8 Irene Pemkova

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 UNITED STATES OF AMERICA,) Case No.: SA CR 08-180-DOC
13)
14 Plaintiff,) EX PARTE APPLICATION FOR AN
15) ORDER VACATING MENTAL HEALTH
16 vs.) EVALUATION REQUIREMENT
17)
18 IRENE PEMKOVA,)
19)
20 Defendant)

21 Defendant, Irene Pemkova, by and through her attorney of record, Diane C. Bass, hereby
22 applies to this court for an order vacating the mental health evaluation previously ordered by this
23 court. This application is based on the attached declaration of counsel, any records on file in this
24 case and any argument that may be required.

25 Dated: January 28, 2009

26 Respectfully submitted,

_____/s/_____
Diane C. Bass
Attorney for Defendant
Irene Pemkova

DECLARATION

I, Diane C. Bass, declare as follows:

1. I am an attorney at law, duly licensed to practice in the Central District of California.

I am the appointed attorney of record for the defendant in this case.

2. Defendant was indicted on July 3, 2008 for Conspiracy to commit wire fraud pursuant to 18 U.S.C. 1343 along with two co-defendants. Defendant was released on bond by the District Court in Chicago. She was then arraigned in the Central District of California on August 18, 2008.

3. On October 17, 2008, I caused to be filed a stipulation requesting that defendant submit to a mental health evaluation and participate in treatment as deemed necessary. The Court signed the order on the same day.

4. Defendant is extremely ill and has requested that I ask the court to remove this condition. I am therefore, asking that the court vacate the previous order requiring defendant to submit to a mental health evaluation.

5. I conferred with Assistant U.S. Attorney Lawrence Kole and he has no objection to this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 28, 2009

_____/s/_____
Diane C. Bass

2 Diane C. Bass, State Bar # 155670
3 Law Office of Diane C. Bass
4 301 Forest Avenue
5 Laguna Beach, California 92651
6 Telephone: (949) 494-7011

7 Attorney for Defendant
8 Irene Pemkova

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 UNITED STATES OF AMERICA,) Case No.: SA CR 08-180-DOC
13)
14 Plaintiff,) [PROPOSED] ORDER VACATING
15) MENTAL HEALTH EVALUATION
16 vs.) REQUIREMENT
17)
18 IRENE PEMKOVA,)
19)
20 Defendant)

21 IT IS SO ORDERED that good cause having been found the requirement that defendant
22 submit to a psychological evaluation as previously ordered shall be vacated.

23 Dated:

24 _____
25 HONORABLE DAVID O. CARTER
26