

LAWRENCE G. BROWN
Acting United States Attorney
DEANNA L. MARTINEZ
Assistant United States Attorney
United States Courthouse
2500 Tulare Street, Suite 4401
Fresno, California 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) 1:08-MC-00044-AWI

Plaintiff,

v.

APPROXIMATELY \$19,500.00 IN U.S.
CURRENCY,

Defendant.

**SECOND STIPULATION AND ORDER
EXTENDING THE UNITED STATES' TIME
TO FILE A COMPLAINT FOR
FORFEITURE AND/OR TO OBTAIN AN
INDICTMENT ALLEGING FORFEITURE**

It is hereby stipulated by and between the United States of America and Claimant Jesus Fletes (hereafter "Claimant"), by and through his respective attorney, as follows:

1. On or about September 22, 2008, Claimant filed a claim, in the administrative forfeiture proceeding, with the Drug Enforcement Administration with respect to the approximately \$19,500.00 in U.S. Currency (hereafter "currency"), which was seized on or about July 26, 2008.

2. The Drug Enforcement Administration has sent the written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties. The time has expired for any person to file a claim to the currency under 18 U.S.C. § 983(a)(2)(A)-(E), and no person other than the Claimant has filed a claim to the currency as required by law in the administrative forfeiture proceeding.

3. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for forfeiture against the currency and/or to obtain an indictment alleging that the currency is subject to

1 forfeiture within 90 days after a claim has been filed in the administrative forfeiture proceedings,
2 unless the court extends the deadline for good cause shown or by agreement of the parties.

3 4. By Stipulation and Order filed on December 22, 2008, the parties stipulated to extend
4 to February 1, 2009, the time in which to file a complaint for forfeiture and/or to obtain an
5 indictment alleging forfeiture.

6 5. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further
7 extend to May 2, 2009 (90 days), the time in which the United States is required to file a civil
8 complaint for forfeiture against the currency and/or to obtain an indictment alleging that the currency
9 is subject to forfeiture. The parties request an extension in order to determine whether the forfeiture
10 can be resolved with the pending criminal matter.

11 6. Accordingly, the parties agree that the deadline by which the United States shall be
12 required to file a complaint for forfeiture against the currency and/or to obtain an indictment alleging
13 that the currency is subject to forfeiture shall be further extended to May 2, 2009.

14 Dated: January 30, 2009

LAWRENCE G. BROWN
Acting United States Attorney

16 /s/ Deanna L. Martinez
17 DEANNA L. MARTINEZ
Assistant United States Attorney

19 Dated: January 30, 2009

/s/ Nicholas F. Reyes
NICHOLAS F. REYES
Attorney for Claimant Jesus Fletes
(Original signature retained by attorney)

22 **ORDER**

24 IT IS SO ORDERED.

25 Dated: January 30, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE