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6 Attorneys for Plaintiff

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

10

11 UNITED STATES OF AMERICA,) 1:09-CV-00284-OWW-SMS
)
 12 Plaintiff,)
)
 13 v.)

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15) **APPLICATION AND ORDER FOR**
 16) **PUBLICATION**
 17)
 18) APPROXIMATELY \$24,546.25 IN U.S.
 19) CURRENCY SEIZED FROM FARMERS
 20) AND MERCHANTS BANK OF CENTRAL
 21) CALIFORNIA ACCOUNT #547155701,
 22) HELD IN THE NAME OF STEVEN
 23) WALTER BUTTS AND KAREN JEAN
 24) FREYLING;

18) APPROXIMATELY \$939.73 IN U.S.
 19) CURRENCY SEIZED FROM FARMERS
 20) AND MERCHANTS BANK OF CENTRAL
 21) CALIFORNIA ACCOUNT #06-576079-01,
 22) HELD IN THE NAME OF STEVEN
 23) WALTER BUTTS, dba BUTTS DVD
 24) WHOLESALE;

22) APPROXIMATELY \$194.65 IN U.S.
 23) CURRENCY SEIZED FROM GOLDEN 1
 24) CREDIT UNION ACCOUNT #899973,
 25) HELD IN THE NAME OF STEVEN
 26) WALTER BUTTS;

25) APPROXIMATELY \$91.41 IN U.S.
 26) CURRENCY SEIZED FROM FARMERS
 27) AND MERCHANTS BANK OF CENTRAL
 28) CALIFORNIA ACCOUNT #657155719,
 HELD IN THE NAME OF STEVEN
 WALTER BUTTS;

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1 2002 CHRYSLER PT CRUISER,)
 VIN: 3C4FY48BX2T295646,)
 2 LICENSE NUMBER: 5PGG304;)
 3 1998 CHEVROLET TRUCK,)
 VIN: 1GCEC19R5WE149357,)
 4 LICENSE NUMBER: 5R67668;)
 5 2004 CHEVROLET TAHOE,)
 VIN: 1GNEC13T24R292963,)
 6 LICENSE NUMBER: 5ZUD095; and,)
 7 THIRTY-FIVE (35) ITEMS OF)
 MISCELLANEOUS ELECTRONIC)
 8 EQUIPMENT MORE)
 PARTICULARLY DESCRIBED IN)
 9 EXHIBIT 'A' ATTACHED HERETO AND)
 INCORPORATED HEREIN BY)
 10 REFERENCE,)
 11 Defendants.)

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 13 The United States of America, Plaintiff herein, applies for an order of publication as follows:

14 1. Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
 15 Forfeiture Actions (hereafter "Supplemental Rules") provides that the Plaintiff shall cause public
 16 notice of the action and arrest to be given in a newspaper of general circulation or on the official
 17 internet government forfeiture site;

18 2. Local Rule 83-171, Eastern District of California, provides that the Court shall
 19 designate by order the appropriate newspaper or other vehicle for publication;

20 3. The defendants approximately \$24,546.25 in U.S. Currency seized from Farmers and
 21 Merchants Bank of Central California Account #547155701, held in the name of Steven Walter Butts
 22 and Karen Jean Freyling; approximately \$939.73 in U.S. Currency seized from Farmers and
 23 Merchants Bank of Central California Account #06-576079-01, held in the name of Steven Walter
 24 Butts, dba Butts DVD Wholesale; approximately \$194.65 in U.S. Currency seized from Golden 1
 25 Credit Union Account #899973, held in the name of Steven Walter Butts; approximately \$91.41 in
 26 U.S. Currency seized from Farmers and Merchants Bank of Central California Account #657155719,
 27 held in the name of Steven Walter Butts (hereafter collectively "defendant funds"); 2002 Chrysler
 28 PT Cruiser, VIN: 3C4FY48BX2T295646, License Number: 5PGG304; 1998 Chevrolet Truck, VIN:

1 1GCEC19R5WE149357, License Number: 5R67668; and, a 2004 Chevrolet Tahoe, VIN:
2 1GNEC13T24R292963, License Number: 5ZUD095 (hereafter collectively “defendant vehicles”);
3 and, thirty-five (35) items of miscellaneous electronic equipment (hereafter “defendant electronic
4 equipment”) were seized in the city of Turlock, in Stanislaus County, California. The Federal
5 Bureau of Investigation (“FBI”) published notice of the nonjudicial forfeiture of the defendant
6 vehicles on November 7, 14, and 21, 2008, in the *Wall Street Journal*. The United States Postal
7 Inspection Service (“USPIS”) published notice of the nonjudicial forfeiture of the defendant funds
8 and defendant electronic equipment on December 11, 18, and 25, 2008, in the *Wall Street Journal*.

9 4. Plaintiff proposes that publication be made as follows:

10 a. One publication;

11 b. Thirty (30) consecutive days;

12 c. On the official internet government forfeiture site www.forfeiture.gov;

13 d. The publication is to include the following:

14 (1) The Court and case number of the action;

15 (2) The date of the arrest/seizure;

16 (3) The identity and/or description of the property arrested/seized;

17 (4) The name and address of the attorney for the Plaintiff;

18 (5) A statement that claims of persons entitled to possession or claiming
19 an interest pursuant to Supplemental Rule G(5) must be filed with the Court and served on the
20 attorney for the Plaintiff no later than 60 days after the first day of publication on the official internet
21 government forfeiture site; and

22 (6) A statement that answers to the Complaint or a motion under Rule 12
23 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") must be filed and served within 20 days

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1 after the filing of the claims and, in the absence thereof, default may be entered and condemnation
2 ordered.

3 Dated: February 13, 2009

LAWRENCE G. BROWN
Acting United States Attorney

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6 /s/ Deanna L. Martinez
DEANNA L. MARTINEZ
Assistant United States Attorney
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9 **EXHIBIT 'A'**

- 10 1. HDMI flat screen TV, serial number: BCD563032092;
11 2. Flat screen TV, serial number: MY81330520;
12 3. High Def plasma TV, serial number: LB71280747;
13 4. Regza Flat screen TV, serial number: AM378018648;
14 5. H-87 Impulse Foot Sealer;
15 6. Wireless broadband, serial number: CSV01H5E0752;
16 7. Wireless cable modem, serial number: 1P7184U503843;
17 8. Miscellaneous cords, mouses, electronic items;
18 9. Laptop computer; serial number: LXAL70X0438200F47E2513;
19 10. Laptop computer, serial number: LAXLEOY11781316E121601;
20 11. Laptop computer, serial number: LXALEOY1178131133B1601;
21 12. Woofer, serial number: H10003803;
22 13. Woofer, serial number: HT-63 06263;
23 14. Woofer, serial number: HT-63 06264;
24 15. Acoustech, serial number: HT-64-01023;
25 16. Acoustech, serial number: HT-64-01101;
26 17. Two Way Center Channel, serial number: HT-65 03577;
27 18. Flat screen TV, serial number: AM407005890;
28 19. Laserjet Printer, serial number: CNRXL53588;

- 1 20. Label maker, serial number: U61050-L4G115008;
- 2 21. DVD Player, serial number: EC101080507;
- 3 22. DVD Video Player, serial number: MC135123436;
- 4 23. AV Receiver, serial number: 5784103986E;
- 5 24. AV Receiver, serial number: 56X2104813C;
- 6 25. AV Receiver, serial number: 5774100257E;
- 7 26. Camera, serial number: KCGFC54305690;
- 8 27. DVD Player, serial number: EC101080484;
- 9 28. Office Series Meter, serial number: Indicia #0004558648
- 10 29. Desktop CPU, serial number: 9ZWCR61;
- 11 30. Desktop CPU, serial number: X11-45393;
- 12 31. CPU, serial number: X12-51824;
- 13 32. CPU, serial number: KR15003026;
- 14 33. High Def TV, serial number: NG73280286;
- 15 34. Flat screen TV, serial number: 4716260; and,
- 16 35. Flat Screen TV, serial number: 8744720.

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IT IS SO ORDERED.

Dated: February 20, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE