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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-01305-OWW-SMS
)	
12 Plaintiff,)	STIPULATION TO STAY CASE AND TO VACATE SCHEDULING CONFERENCE; ORDER THEREON
13 v.)	
)	
14 2001 PETERBILT 387 TRUCK,)	
15 CALIFORNIA LICENSE NO. UP50369,)	
16 Defendant.)	

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18 It is hereby stipulated by and between Plaintiff United States of America and Claimants
 19 Mohammed Gass Hersi and Nimo Mohammed Gass Hersi, by and through their respective
 20 counsels, for the above-entitled forfeiture action, as follows:

21 1. Claimant Mohammed Gass Hersi is presently facing federal criminal charges in
 22 the Eastern District of California, *U.S. v. Mohammed Gass Hersi*, 1:09-CR-00057-OWW ,
 23 allegedly relating to transactions or events which form the basis for this civil forfeiture action;

24 2. The parties recognize that proceeding with this action has potential adverse affects
 25 on the prosecution of the related-criminal case and/or upon Claimant Mohammed Gass Hersi's
 26 right against self-incrimination in the related federal criminal case;

27 3. Publication of the civil forfeiture action has been completed and to date only
 28 Mohammed Gass Hersi and Nimo Mohammed Gass Hersi have filed a claim and answer, or

1 otherwise appeared in this action, and the time for which any other persons or entities to file a
2 claim or answer has expired.

3 THEREFORE, the parties to this action stipulate as follows:

4 1. Pursuant to 18 U.S.C. § 981(g), this action shall be stayed pending the conclusion
5 of the federal criminal action presently pending against Mohammed Gass Hersi in the Eastern
6 District of California.

7 2. The Scheduling Conference in the civil case scheduled for December 2, 2009, at
8 8:15 a.m. in Courtroom #3 before District Judge Oliver W. Wanger be vacated.

9 3. The parties are to promptly notify the Court when the criminal case resolves.

10 IT IS SO STIPULATED.

11 Date: November 23, 2009

BENJAMIN B. WAGNER
United States Attorney

13
14 /s/ Deanna L. Martinez
DEANNA L. MARTINEZ
Assistant United States Attorney

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16
17 Date: 11/18/09

/s/ Mark W. King
MARK W. KING
Attorney for Claimants
Mohammed Gass Hersi and
Nimo Mohammed Gass Hersi

(original signature retained by attorney)

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21 IT IS SO ORDERED.

22 Dated: November 23, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE