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

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11 DENNIS NAPIER,)	01: 10-CV-00040 OWW GSA
)	
12 Petitioner,)	ORDER ADOPTING MAGISTRATE
)	JUDGE'S FINDINGS AND
13 v.)	RECOMMENDATIONS
)	
14 UNITED STATES OF AMERICA,)	Date: February 28, 2011
)	Time: 10:00 a.m.
)	
16 Respondent.)	
17 _____)	

18 This matter came before the Court on the adoption of the
 19 Magistrate Judge's Findings and Recommendations issued January 8,
 20 2010. Stanley A. Boone, appeared on behalf of the respondent,
 21 United States of America, and Dennis Napier, appeared in pro
 22 persona. The Court having read the papers filed and having heard
 23 the arguments of the parties,

24 IT IS HEREBY ORDERED that for the reasons stated orally on
 25 the record that the findings and recommendation of the Magistrate
 26 Judge is hereby ADOPTED and the Claimant's Motion for Return of
 27 Property is hereby DENIED.

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1 THE COURT FURTHER finds that as an additional reason for
2 adopting the Magistrate Judge's findings is that on March 29,
3 2010, Fresno County Superior Court Judge Gary Orozco found that
4 Mr. Napier remained convicted of two felony violations of
5 California Penal Code Section 245(a)(1).

6 IT IS FURTHER ORDERED that the United States' cross-motion
7 for destruction of property is hereby stayed pending the final
8 determination by an appellate court of petitioner's motion for
9 return of property. Upon final determination, this Court will
10 then hold a hearing as to the appropriate remedy regarding the
11 firearms.

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DATED: March 22, 2011

_____/s/ OLIVER W. WANGER_____
OLIVER W. WANGER
United States District Court Judge