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

| | | |
|--------------------------------------|---|----------------------------------|
| 11 UNITED STATES OF AMERICA, |) | 1:11-CV-00143-LJO-GSA |
| |) | |
| 12 Plaintiff, |) | APPLICATION AND ORDER FOR |
| |) | PUBLICATION |
| 13 v. |) | |
| |) | |
| 14 |) | |
| |) | |
| 15 APPROXIMATELY \$38,885.00 IN U.S. |) | |
| 16 CURRENCY, |) | |
| |) | |
| 17 Defendant. |) | |

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

- 20 1. Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
 21 Forfeiture Actions (hereafter "Supplemental Rules") provides that the Plaintiff shall cause public
 22 notice of the action to be given in a newspaper of general circulation or on the official internet
 23 government forfeiture site;
- 24 2. Local Rule 171, Eastern District of California, provides that the Court shall
 25 designate by order the appropriate newspaper or other vehicle for publication;
- 26 3. The defendant approximately \$38,885.00 in U.S. Currency (hereafter "defendant
 27 currency") was seized at Highway 99 at Jensen Avenue in Fresno, California, and is in the
 28 custody of the U.S. Marshals Service, Eastern District of California. The Drug Enforcement

1 Administration published notice of the non-judicial forfeiture of the defendant currency on July
2 6, 13, and 20, 2010, in the *Wall Street Journal*.

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

4 a. One publication;

5 b. Thirty (30) consecutive days;

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

7 d. The publication is to include the following:

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

9 (2) The date of the seizure/posting;

10 (3) The identity and/or description of the property seized/posted;

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

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

16 (6) A statement that answers to the Complaint or a motion under Rule
17 12 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") must be filed and served within 21
18 days after the filing of the claims and, in the absence thereof, default may be entered and
19 condemnation ordered.

20 Dated: 1/27/11

BENJAMIN B. WAGNER
United States Attorney

/s/ Richard M. Elias
RICHARD M. ELIAS
Assistant United States Attorney

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated: January 28, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE