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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 REAL PROPERTY LOCATED AT 6415)
NORTH HARRISON AVENUE,)
15 FRESNO, FRESNO COUNTY,)
CALIFORNIA, APN: 407-751-08,)
16 INCLUDING ALL APPURTENANCES)
AND IMPROVEMENTS THERETO,)
17 AND,)
18 2005 MERCEDES-BENZ E500,)
LICENSE: 5KRF178, VIN:)
19 WDBU70J85A664340,)
20 Defendants.)

Case No. 1:11-CV-00304-BAM
**STATUS REPORT RE: STAY OF
CIVIL FORFEITURE
PROCEEDINGS**
**ORDER LIFTING STAY AND
SETTING STATUS CONFERENCE**

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23 The United States of America provides the following status report regarding the
24 currently imposed stay of the civil forfeiture proceedings, as follows:

- 25 1. On September 21, 2012, the Court stayed the instant matter pursuant to 18 U.S.C. §
26 981(g)(1) pending the conclusion of the related criminal matter, *United States v.*
27 *Kwan Yong Choi*, 1: 10-CR-00206-AWI (E.D. Cal.). ECF No. 85.
28 2. Defendant Kwan Yong Choi entered an open plea of guilt to the entire indictment on

1 February 10, 2014. See ECF No. 18 in *United States v. Kwan Yong Choi*, 1: 10-CR-
2 00206-AWI (E.D. Cal.)(the “Criminal Case”). He was sentenced to 36 months
3 incarceration, \$2,161,095.00 in restitution, and a \$600 special assessment on July 21,
4 2014. See Criminal Case ECF No. 32.

5 3. On July 31, 2014, Choi filed a notice of appeal of the sentence. See Criminal Case
6 ECF No. 41. The sentence was affirmed on June 22, 2015. See Criminal Case ECF
7 No. 47. Although the mandate has not issued, the United States believes that the
8 Ninth Circuit ruling should conclude the criminal case.

9 4. The United States requests that the Court lift the stay and schedule a Status
10 Conference in roughly 180 days. The parties have begun settlement discussions.
11 Depending on the success of informal settlement discussions, the parties may request
12 that the Court set a settlement conference in advance of the Status Conference.

13 5. Otherwise, the parties will meet and confer, discuss the status of discovery going
14 forward, and file a Joint Status Report regarding future discovery, including
15 suggested scheduling dates, one week prior to the Status Conference.

16 Dated: July 7, 2015

BENJAMIN B. WAGNER
United States Attorney

19 /s/ Jeffrey A. Spivak
JEFFREY A. SPIVAK
Assistant United States Attorney

21 **ORDER**

22 Pursuant to the above status report, the STAY is hereby LIFTED. A Status
23 Conference is hereby set for **February 2, 2016**. One week prior to the Status Conference,
24 by January 26, 2016, the parties shall meet and confer and submit a Joint Status Report.
IT IS SO ORDERED.

26 Dated: July 15, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE