BENJAMIN B. WAGNER 1 United States Attorney HEATHER MARDEL JONES Assistant U.S. Attorney 3 2500 Tulare Street, Suite 4401 Fresno, California 93721 Telephone: (559) 497-4000 4 Facsimile: (559) 497-4099 5 6 Attorneys for the United States 7 IN THE UNITED STATES DISTRICT COURT FOR THE 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 UNITED STATES OF AMERICA, 1:11-CV-01251-LJO-GSA 12 Plaintiff, STIPULATION TO CONTINUE MOTION DATES AND ORDER **THEREON** 13 v. APPROXIMATELY \$77,000.00 IN (First Request) 14 U.S. CURRENCY, 15 Defendant. 16 17 Claimant Felix Velasco and plaintiff United States of America, by and through their undersigned attorneys, hereby stipulate as follows: 18 19 1. This stipulation is executed by all parties who have appeared in and 20 are affected by this action. 21 2. The parties are requesting an extension of the briefing dates for the 22 Claimant's Motion for Summary Judgment, as well as a corresponding 23 postponement of the hearing on the Motion for Summary Judgment, due to the need 24 for additional time to review the lengthy Motion and prepare the response and coupled with the fact that counsel for the United States in this action will be absent 25 26 from the State of California and will be in South Carolina for training purposes 27 from October 17, 2011 through October 21, 2011.

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1	3. The parties stipulate and agree that the responsive brief to be filed on			
2	behalf of the United States can be postponed from October 17, 2011 until Novembe			
3	4, 2011.			
4	4.	4. The parties stipulate and agree that the reply brief to be filed on		
5	behalf of Claimant can be postponed from October 24, 2011 to November 18, 2011.			
6	5. The parties further agree, and hereby request permission from the			
7	court, that the hearing on the Motion for Summary Judgment be postponed from			
8	October 31, 2011 to November 29, 2011. Alternatively, if the court is unable to			
9	accommodate the request for November 29, 2011, the parties suggest November 23			
10	2011, as an alternate option for the re-scheduling of the hearing on the Motion for			
11	Summary Judgment.			
12	6.	6. This is the Parties' first request for an extension and no further		
13	extensions are currently anticipated.			
1415			Respectfully submitted, BENJAMIN B. WAGNER United States Attorney	
16			/s/ Heather Mardel Jones	
17	Date. Octo	Jei 12, 2011	HEATHER MARDEL JONES Assistant United States Attorney	
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19	Date: <u>October 12, 2011</u>		/s/ Edward Michael Burch	
20			EDWARD MICHAEL BURCH Attorney for Claimant Felix Velasco	
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22	ORDER			
23	Based on the parties' stipulation, this Court:			
24	1. VACATES the October 31, 2011 summary judgment hearing;			
25	2. ORDERS the United States, no later than November 4, 2011, to file			
26	and serve papers to respond to Claimant's summary judgment motion			
27		and		
28	3.	ORDERS Claimant, no later	than November 18, 2011, to file and serve	

summary judgment reply papers.

Pursuant to its practice, this Court will consider Claimant's summary judgment motion on the record without a hearing, unless this Court orders otherwise.

Due to having the heaviest district court caseload in the nation, limited resources, and the need to prioritize criminal and older civil matters over more recently filed actions, this Court ADMONISHES the parties that it is unable to commit to address this action to meet the parties' needs and expectations. As such, this Court urges Claimant to reconsider the conduct of all further proceedings by a U.S. Magistrate Judge, whose caseload and availability is more accommodating to the parties.

IT IS SO ORDERED.

Dated: October 13, 2011 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE