

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 HEATHER MARDEL JONES  
 Assistant U.S. Attorney  
 3 2500 Tulare Street, Suite 4401  
 Fresno, California 93721  
 4 Telephone: (559) 497-4000  
 Facsimile: (559) 497-4099

5  
6 Attorneys for the United States

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

10  
 11 UNITED STATES OF AMERICA, ) 1:11-CV-01251-LJO-GSA  
 12 Plaintiff, )  
 13 v. ) **STIPULATION TO CONTINUE**  
 14 APPROXIMATELY \$77,000.00 IN ) **MOTION DATES AND ORDER**  
 U.S. CURRENCY, ) **THEREON**  
 15 Defendant. ) (First Request)  
 16

17 Claimant Felix Velasco and plaintiff United States of America, by and  
18 through their undersigned attorneys, hereby stipulate as follows:

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  
 25 coupled with the fact that counsel for the United States in this action will be absent  
 26 from the State of California and will be in South Carolina for training purposes  
 27 from October 17, 2011 through October 21, 2011.

28 ///



1 summary judgment reply papers.

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

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

11  
12 IT IS SO ORDERED.

13 **Dated: October 13, 2011**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**