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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	1:11-CV-01251-GSA
)	
12 Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE HEARING ON
13 v.)	CLAIMANT FELIX VELASCO'S
)	MOTION TO DISMISS AND UNITED
14 APPROXIMATELY \$77,000.00 IN U.S.)	STATES' MOTION FOR LEAVE TO
15 CURRENCY,)	AMEND COMPLAINT
)	
16 Defendant.)	

17 It is hereby stipulated between plaintiff United States of America and Claimant Felix
18 Velasco (hereafter "Claimant"), by and through their undersigned attorneys, as follows:

- 19 1. On January 18, 2013, Claimant filed a Motion to Dismiss Forfeiture
20 Complaint. The motion is set for hearing on February 15, 2013, at 9:30 a.m. before
21 Honorable Gary S. Austin.
- 22 2. On January 25, 2013, the United States filed a Motion for Leave to Amend
23 Complaint, the hearing of which was also set for February 15, 2013 at 9:30 a.m. before
24 Honorable Gary S. Austin. This motion was scheduled in error; the hearing should be set
25 for hearing on February 22, 2013.
- 26 3. The Assistant United States Attorney assigned to this case will be on leave to
27 the National Advocacy Center (NAC) in South Carolina from February 11, 2013 to and
28 through February 15, 2013 and will be unable to attend the February 15, 2013 hearing. In

1 addition, the undersigned Assistant U.S. Attorney is the sole forfeiture attorney in the
2 United States Attorney's Office and requesting another Assistant United States Attorney to
3 appear on her behalf will not suffice to adequately represent the United States' interests in
4 this case.

5 4. In order to avoid duplication of efforts, as the motions involve the same issue
6 and should be considered together, the parties stipulate to continue both hearings to March
7 8, 2013.

8 Wherefore, the parties hereby stipulate to continue the hearing on Claimant's motion
9 to dismiss and the United States' motion for leave to amend until March 8, 2013, or as soon
10 thereafter as the matter may be heard, and to continue the briefing schedule in accordance
11 with the continued hearing date.

12 Respectfully submitted,

13 Dated: January 30, 2013

BENJAMIN B. WAGNER
United States Attorney

15
16 /s/ Heather Mardel Jones
HEATHER MARDEL JONES
Assistant U.S. Attorney
Attorneys for the United States

19 Dated: January 30, 2013

20 /s/ Edward M. Burch
EDWARD M. BURCH
Attorney for Claimant
Felix Velasco
(Original signature retained by attorney)

23 IT IS SO ORDERED.

25 Dated: January 31, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE