

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES,

 Plaintiff,

 v.

APPROXIMATELY \$77,000.00 IN U.S.
CURRENCY,

 Defendant.

No. 1:11-cv-01251 GSA

**ORDER TEMPORARILY VACATING
CLAIMANT’S MOTION TO DISMISS FOR
LACK OF JURISDICTION AND
PLAINTIFF’S MOTION TO AMEND THE
COMPLAINT, PENDING FILING OF A
STATUS REPORT AND NOTICE OF
CLAIMANT’S DEATH BY CLAIMANT’S
COUNSEL**

(Docs. 44 and 47)

On April 23, 2013, the parties to this action filed a notice of settlement of this matter and a proposed order to vacate the previously set trial dates. (Doc. 66). During a telephonic status conference held on August 7, 2013, the parties brought to the Court’s attention the fact that the claimant in this matter, Felix Velasco (“Claimant”), had died. Claimant’s counsel informed the Court that he was unsure at that time whether the Claimant’s heirs were amenable to pursuing a settlement to resolve this matter. The Court then indicated, based on the changed posture of the case, that it would rule on Claimant’s pending motion to dismiss for lack of jurisdiction as well as

1 Plaintiff United States' ("Plaintiff") pending motion to amend the complaint.

2 It has subsequently become clear however, that prior to ruling on the pending motions, it
3 would be beneficial for the Court to get a clarification regarding the intentions of Claimant's heirs
4 with respect to pursuing a settlement in this matter. Further, in light of Claimant's death,
5 Claimant's counsel needs to file a notice of death with the Court. Plaintiff's counsel is therefore
6 directed to file, within thirty (30) days of the date of this order: (1) a status report outlining the
7 intentions of Claimant's heirs with respect to pursuing a settlement in this matter; and (2) a notice
8 of death on behalf of the Claimant.
9

10 Accordingly, the Claimant's motion to dismiss for lack of jurisdiction and the Plaintiff's
11 motion to amend the complaint are temporarily VACATED from the Court's calendar, pending
12 filing of the requisite status report and death notice by Claimant's counsel.
13

14
15
16
17 IT IS SO ORDERED.

18 Dated: September 30, 2013

/s/ Gary S. Austin
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28