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

10  
11 UNITED STATES OF AMERICA, ) 1:12-CV-00376-LJO-GSA  
12 Plaintiff, ) **STIPULATION TO STAY CIVIL**  
13 v. ) **PROCEEDINGS AND ORDER**  
14 APPROXIMATELY \$28,507.65 SEIZED )  
FROM BANK OF THE SIERRA )  
15 ACCOUNT NUMBER 1820240370, )  
HELD IN THE NAME OF TAQUERIA )  
16 LA VILLA, A SOLE PROPRIETORSHIP, )  
and )  
17 APPROXIMATELY \$18,092.77 SEIZED )  
FROM BANK OF THE SIERRA )  
18 ACCOUNT NUMBER 1800736880, )  
HELD IN THE NAMES OF JESUS )  
19 NUNEZ DIAZ AND MARIA REMEDIOS )  
NUNEZ, )  
20 Defendants. )  
21

22 IT IS HEREBY STIPULATED between the United States of America and Claimants  
23 Jesus Nunez Diaz and Maria Remedios Nunez (“Claimants”), by and through their  
24 respective counsel, that a stay is necessary in the above-entitled action and request the  
25 Court enter an order staying proceedings pending resolution of the currently active criminal  
26 investigation.

27 1. On March 12, 2012, the United States filed a civil judicial “Verified Complaint  
28 for Forfeiture In Rem,” in the Eastern District of California: *United States v. Approximately*

1 *\$28,507.65 Seized From Bank Of The Sierra Account Number 1820240370, Held In The*  
2 *Name Of Taqueria La Villa, A Sole Proprietorship, And Approximately \$18,092.77 Seized*  
3 *From Bank Of The Sierra Account Number 1800736880, Held In The Names Of Jesus*  
4 *Nunez Diaz And Maria Remedios Nunez, Docket No. 1:12-CV-00376-LJO-GSA, ECF No. 1.*

5 2. On May 8, 2012, Claimants filed judicial claims to the defendant funds; and on  
6 June 8, 2012, Claimants filed an Answer. ECF Nos. 7, 8, 12.

7 3. As provided by 18 U.S.C. § 981(g)(1), upon request of the United States, the  
8 court “shall” stay the civil forfeiture proceeding if the court determines that civil discovery  
9 will adversely affect the ability of the Government to conduct a related criminal  
10 investigation or the prosecution of a related criminal case.

11 4. As provided by 18 U.S.C. § 981(g)(2), upon request by the claimant, the court  
12 “shall” stay the civil forfeiture proceedings if the court determines that the claimant is the  
13 subject of a related criminal investigation or case, the claimant has standing to assert a  
14 claim in the civil forfeiture proceeding, and continuation of the forfeiture proceeding will  
15 burden the right of the claimant against self-incrimination in the related investigation or  
16 case.

17 5. As provided in both 18 U.S.C. §§ 981(g)(1) and (g)(2), the parties wish by  
18 agreement to stay the civil forfeiture proceedings entirely, as the parties stipulate and  
19 agree that there is a related ongoing criminal investigation of which Claimants are a  
20 subject, that Claimants have standing to assert a claim in the civil forfeiture proceeding,  
21 that continuation of the forfeiture proceeding will burden the right of Claimants against  
22 self-incrimination in the related criminal prosecution, and that the present civil discovery  
23 will adversely affect the ability of the United States to conduct the related criminal  
24 investigation.

25 6. Accordingly, the parties agree that the stay be imposed. As the criminal  
26 investigation has not yet resulted in criminal charges, the parties wish the stay to be in  
27 effect only until March 11, 2014. The parties request that the court set a status hearing on  
28 or about March 4, 2014. The parties will file a joint status report one week prior, informing

1 the court whether the continuation of the stay is still necessary.

2 Date: September 27, 2013

BENJAMIN B. WAGNER  
United States Attorney

3  
4 /s/ Heather Mardel Jones  
5 HEATHER MARDEL JONES  
6 Assistant United States Attorney

7  
8 Date: September 26, 2013

/s/ Michael P. Mears  
9 MICHAEL P. MEARS  
Attorney for Claimants

10  
11 **ORDER**

12 Based on the parties' stipulation set forth above, this action is stayed until March 11,  
13 2014. As requested by the parties, a status conference is hereby scheduled for 10:00 a.m.,  
14 on March 4, 2014, in Courtroom 10. The parties may appear telephonically by coordinating  
15 a one-line conference call prior to calling Chambers at (559) 499-5960. The parties shall file  
16 a joint status report one week prior to the status conference, informing the court whether a  
17 continuation of the stay is necessary.  
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21 IT IS SO ORDERED.

22 Dated: October 3, 2013

/s/ Gary S. Austin  
23 UNITED STATES MAGISTRATE JUDGE  
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