

1 BENJAMIN B. WAGNER
United States Attorney
2 JEFFREY A. SPIVAK
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, California 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5

6 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 APPROXIMATELY \$40,600.00 IN U.S.
CURRENCY,
15 Defendant.
16

CASE NO. 1:15-CV-00237---SKO

**REQUEST AND ORDER FOR (1)
CONTINUANCE OF MANDATORY
SCHEDULING CONFERENCE AND (2)
FILING DEADLINE FOR JOINT
SCHEDULING REPORT**

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18 The United States requests that the Court (1) continue the mandatory scheduling
19 conference from May 12, 2015, at 9:45 a.m. to June 30, 2015, at 10:30 a.m. (or to a date the
20 Court deems appropriate), and (2) continue the deadline to file a Joint Scheduling Report
21 (“JSR”) from May 5, 2015 to June 23, 2015 (or to a date the Court deems appropriate). For
22 the reasons set forth below, there is good cause to continue the scheduling conference and
23 the deadline to file the JSR.

24 **Introduction**

25 On February 12, 2015, the United States filed a civil forfeiture complaint against
26 the above-captioned currency (“Defendant Currency”) based on its alleged involvement in
27 federal drug law violations. All known potential claimants to the Defendant Currency
28 were served in a manner consistent with *Dusenbery v. United States*, 534 U.S. 161, 168

1 (2002) and the applicable statutory authority. Additionally, public notice on the official
2 internet government forfeiture site, www.forfeiture.gov, began on February 15, 2015, and
3 ran for thirty consecutive days, as required by Rule G(4)(a)(iv)(C) of Supplemental Rules
4 for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of
5 Publication was filed on April 8, 2015.

6 On or about March 30, 2015, the United States sent copies of the Verified
7 Complaint for Forfeiture *In Rem*, Order Re Clerk's Issuance of Arrest Warrant, Warrant of
8 Arrest of Articles *In Rem*, Order Setting Mandatory Scheduling Conference, Order
9 Assigning Sacramento District Judge, Minute Order Setting Telephonic Case
10 Management Conference, Notice of Availability of a Magistrate Judge, Notice of
11 Availability of Voluntary Dispute Resolution, and notice of forfeiture letter dated March
12 30, 2015, to potential claimant Josue Grajeda ("Grajeda") at his last-known address
13 located at 12756 E. 118th Court, Henderson, CO 80640-9103. On this same date, the
14 United States sent copies of the above-referenced documents to Ariel Benjamin, the
15 attorney that filed the claim on behalf of Grajeda in the administrative forfeiture action,
16 at 1600 Broadway, Suite 1200, Denver, CO 80202.

17 **Good Cause**

18 Grajeda's deadline to file a claim is May 7, 2015, which is two days after the
19 deadline to file the Joint Scheduling Report (JSR), which is due one week before the May
20 12, 2015, scheduling conference. Therefore, the United States requests that the
21 scheduling conference be continued to June 30, 2015, at 10:30 a.m. to allow Grajeda to
22 appear in this action and to allow the parties to meet and confer in advance of filing a
23 JSR. Thus, there is good cause to continue the mandatory scheduling conference and
24 deadline to file a JSR.

25 Dated: April 22, 2015

BENJAMIN B. WAGNER
United States Attorney

27 By: /s/ Jeffrey A. Spivak
28 JEFFREY A. SPIVAK
Assistant U.S. Attorney

1 **ORDER**

2 Pursuant to the United States' request and good cause appearing:

3 (1) The mandatory scheduling conference is continued from May 12, 2015, at 9:45
4 a.m. to June 30, 2015, at 10:30 a.m., and

5 (2) The deadline to file a Joint Scheduling Report ("JSR") is continued from May 5,
6 2015, to June 23, 2015.

7
8
9 IT IS SO ORDERED.

10 Dated: April 23, 2015

/s/ Sheila K. Oberto
11 UNITED STATES MAGISTRATE JUDGE