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

UNITED STATES OF AMERICA,)	Case No.: 1:15-mc-0031-BAM
)	
Plaintiff,)	ORDER FOLLOWING TRANSFER FROM
)	THE ELEVENTH CIRCUIT COURT OF
v.)	APPEALS
)	
DALE PETERS,)	
)	
Defendant.)	
)	
)	
)	

On April 23, 2015, the Eleventh Circuit Court of Appeals vacated a decision by the United States District Court for the Southern District of Florida issuing a Writ of Execution against property owned by Defendant Dale Peters and transferring the underlying action to this Court. *United States v. Peters*, 783 F.3d 1361 (11th Cir. Fla. 2015). In vacating and remanding the decision, the Eleventh Circuit held that the Florida District Court erred in refusing to transfer Defendant’s Amended Writ of Execution proceedings to California for a hearing and decision, where he resides. *Id.* at 1364.

To date, neither party has filed a motion seeking relief in this Court. Accordingly, based on the Eleventh Circuit’s remand order, this Court hereby ORDERS as follows:

1. On or before November 20, 2015, counsel for the United States of America in the underlying Florida action SHALL file a status report indicating whether the government intends to

1 proceed in this district. If Plaintiff intends to proceed with its Writ of Execution, it must be re-filed in
2 this Court;

3 2. The Clerk of the Court is DIRECTED to serve this ORDER on Attorney Carlos Raurell
4 at this address:

5 Carlos Raurell
6 Assistant United States Attorney
7 99 N. E. 4th Street, #300
8 Miami, FL 33132-211

9 3. The Clerk of the Court is DIRECTED to serve this ORDER on Defendant.

10 IT IS SO ORDERED.

11 Dated: October 26, 2015

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE

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