

1 PHILLIP A. TALBERT  
Acting United States Attorney  
2 JEFFREY A. SPIVAK  
Assistant United States Attorney  
3 United States Courthouse  
2500 Tulare Street, Suite 4401  
4 Fresno, California 93721  
(559) 497-4000 Telephone  
5 (559) 497-4099 Facsimile

6 Attorneys for the United States

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

10  
11 UNITED STATES OF AMERICA, ) 1:16-CV-00805-AWI-SKO  
 )  
12 Plaintiff, ) **REQUEST TO CONTINUE SEPTEMBER**  
 ) **27, 2016 MANDATORY SCHEDULING**  
13 v. ) **CONFERENCE AND FILING DEADLINE**  
 ) **FOR JOINT SCHEDULING REPORT;**  
14 APPROXIMATELY \$147,900.00 IN U.S. ) **ORDER THEREON**  
CURRENCY, )  
15 Defendant. )  
16 )  
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18 The United States requests that the Court continue the mandatory scheduling conference from  
19 September 27, 2016, at 9:30 a.m. to October 25, 2016, at 9:30 a.m. (or to a date the Court deems  
20 appropriate), and continue the associated filing deadline of the Joint Scheduling Report (“JSR”) from  
21 September 20, 2016 to October 18, 2016 (or to a date the Court deems appropriate). For the reasons set  
22 forth below, there is good cause to continue the scheduling conference and the deadline to file the JSR.

23 **Introduction**

24 On June 10, 2016, the United States filed a civil forfeiture complaint against the above-captioned  
25 currency (“Defendant Currency”) based on its alleged involvement in federal drug law violations. All  
26 known potential claimants to the Defendant Currency were served in a manner consistent with Dusenbery  
27 v. United States, 534 U.S. 161, 168 (2002) and the applicable statutory authority. Additionally, public  
28 notice on the official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), began on June 21, 2016,  
and ran for thirty consecutive days, as required by Rule G(4)(a)(iv)(C) of Supplemental Rules for

1 Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication was filed on  
2 July 21, 2016.

3 On or about June 22, 2016, the United States sent copies of the Verified Complaint for Forfeiture  
4 *In Rem*, Warrant of Arrest of Articles *In Rem*, Order Setting Mandatory Scheduling Conference, Notice of  
5 Availability of a Magistrate Judge, Notice of Availability of Voluntary Dispute Resolution, and notice of  
6 forfeiture letter dated June 22, 2016, to potential claimant Yin Ye Yang (“Yang”) at his last-known  
7 addresses. On or about June 26, 2016, Yang acknowledged, by certified mail receipt, that he received  
8 service of the above-referenced documents.

9 **Good Cause**

10 Yang filed his claim on August 4, 2016. Yang has yet to file his answer to the complaint. The  
11 United States granted Yang an extension to file his answer to September 28, 2016. To allow for Yang to  
12 make a formal appearance, and to allow the parties to meet and confer concerning the posture of this case  
13 and in preparation of the JSR, the parties request that the scheduling conference be continued to October  
14 25, 2016, at 9:30 a.m. Thus, there is good cause to continue the mandatory scheduling conference and  
15 deadline to file a JSR.

16 Dated: September 16, 2016

PHILLIP A. TALBERT  
Acting United States Attorney

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

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21 **ORDER**

22 No responsive pleading having been filed by Claimant Yin Ye Yang, the Court grants Plaintiff  
23 United States’ “Request to Continue September 27, 2016 Mandatory Scheduling Conference and Filing  
24 Deadline for Joint Scheduling Report” (the “Request”) (Doc. 8).

25 IT IS HEREBY ORDERED that the Scheduling Conference currently set for September 27, 2016,  
26 in this matter is **CONTINUED to October 21, 2016 at 1:00 p.m. in Courtroom 7 (SKO) before**  
27 **Magistrate Judge Sheila K. Oberto**. The parties shall file their joint scheduling report by no later than  
28 October 14, 2016.

1 The Court notes that Defendant indicates in its Request it granted Claimant Yin Ye Yang an  
2 extension to file his responsive pleading to September 28, 2016. (Doc. 8, 2:10-11.) There is no indication  
3 on the docket, however, of such extension of time. Extensions of time to file responsive pleadings are  
4 governed by Rule 144 of the Local Rules of the United States District Court, Eastern District of  
5 California. **By no later than September 22, 2016**, Defendant is ORDERED to file a stipulation pursuant  
6 to Local Rule 144(a) extending the time for Claimant Yin Ye Yang to file a responsive pleading or  
7 otherwise explain why such stipulation cannot be obtained.

8 IT IS SO ORDERED.

9  
10 Dated: September 20, 2016

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