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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

APPROXIMATELY \$8,658.00 IN U.S.
CURRENCY,

 Defendants.

No. 1:17-cv-00592-DAD-BAM

ORDER STAYING FURTHER
PROCEEDINGS

(Doc. No. 8)

On July 10, 2017, the parties filed a stipulation jointly proposing to stay all further proceedings in the above-entitled action due ongoing criminal proceedings against Jesus Velasquez-Juarez in *United States v. Jesus Velasquez-Juarez*, 1:16-cr-00189-DAD-BAM. (Doc. No. 8.) The parties have moved to stay pursuant to 18 U.S.C. § 981(g)(1), which provides that a stay of the civil forfeiture proceedings is proper “if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.” Further, § 981(g)(2) provides that stay is proper if the court determines: “(a) the claimant is the subject of a related criminal investigation or case; (b) the claimant has standing to assert a claim in the civil forfeiture proceeding; and (c) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.”

1 Here, the government has indicated that it intends to depose Mr. Velasquez-Juarez in the
2 event he files a claim in this civil forfeiture proceeding, and doing so would place him in the
3 position of either invoking or waiving his Fifth Amendment right to self-incrimination “and
4 losing the ability to pursue any claim to the Defendant Currency” (*Id.* at 2, ¶ 3.) The
5 government notes that should Mr. Valesquez-Juarez invoke his Fifth Amendment right, the
6 United States would be unable to explore the factual basis of his claim. (*Id.*) In addition, the
7 parties represent that in the event Mr. Valesquez-Juarez deposes law enforcement officers
8 involved with this investigation, doing so “would adversely impact the ability of such law
9 enforcement officers to investigate the alleged underlying criminal conduct.” (*Id.* at ¶ 4.)

10 Having reviewed the parties’ stipulation, the court finds good cause to stay further
11 proceedings since this action has potential adverse consequences with respect to the pending
12 criminal case and on Mr. Velasquez-Juarez’s ability to raise any defense to forfeiture in this civil
13 action. Accordingly,

- 14 1. Pursuant to the terms of the parties’ stipulation, the court stays further proceedings
15 until December 29, 2017; and
- 16 2. By that date the parties are directed to advise the court regarding the status of the
17 criminal proceedings and indicate whether the stay of this action continues to be
18 necessary.

19 IT IS SO ORDERED.

20 Dated: July 13, 2017

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23 UNITED STATES DISTRICT JUDGE
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