

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

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

 Defendant.

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

ORDER APPROVING STIPULATION AND
GRANTING STAY OF FURTHER
PROCEEDINGS

(Doc. No. 12)

On January 2, 2017, the parties filed a stipulation to stay further proceedings until June 29, 2018 due to the criminal case currently pending against Jesus Velazquez-Juarez in *United States v. Jesus Velazquez-Juarez*, 1:16-CR-00189-DAD-BAM. (Doc. No. 12.) Therein, the parties ascertained that Mr. Velazquez-Juarez has filed an answer denying the allegations and knowledge of the facts stated in the complaint. The United States argues that the defendant currency was derived from or intended to be used in violation of 21 U.S.C. § 841.¹ A stay is

¹ 21 U.S.C. § 841(1) provides that it is unlawful to knowingly or intentionally “manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance”

1 requested pursuant to 18 U.S.C. §§ 981(g) and 981(g)(2). Since the United States intends to
2 depose Mr. Velazquez-Juarez, he will be placed in the position of either invoking his Fifth
3 Amendment right against self-incrimination, will lose the ability to pursue a claim to the
4 defendant currency, and may lose the ability to assert any defenses with respect to forfeiture. The
5 United States further contends that deposing law enforcement officers in connection with this
6 claim, as Mr. Velazquez-Juarez intends to do, will “impact the ability of such law enforcement
7 officers to investigate the alleged underlying criminal conduct.” (*Id.* at 2.)

8 Having shown good cause and for the reasons stated above:

- 9 1. This matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until June 29,
10 2018 in accordance with the terms of this stipulation; and
- 11 2. The parties are directed to advise the court whether further stay is necessary by June
12 22, 2018.

13 IT IS SO ORDERED.

14 Dated: January 4, 2018

15 
16 _____
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28