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6 IN THE UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.

CASE NO. 1:20-MC-01404-AWI

STIPULATION AND ORDER EXTENDING TIME
FOR FILING A COMPLAINT FOR FORFEITURE
AND/OR TO OBTAIN AN INDICTMENT
ALLEGING FORFEITURE

11 FIREARMS, BROWNING, 1911-22 PISTOL,
CAL: 22 SN: 51EZP02954,

12 FIREARMS, BROWNING 1911-22 PISTOL
13 CAL: 22 SN: 51EZP02702,

14 FIREARMS, GLOCK INC. 23GEN3 PISTOL
CAL: 40 SN: TMB899,

15 FIREARMS, NEW FRONTIER ARMORY,
16 LLC LW-15 Rifle CAL: 556 SN: NLV21295,

17 FIREARMS, SMITH & WESSON SD9VE
18 PISTOL CAL: 9 SN: FBK2736,

19 APPROXIMATELY 77 ROUNDS OF
ASSORTED AMMUNITION,

20 APPROXIMATELY 130 ROUNDS OF
ASSORTED AMMUNITION,

21 APPROXIMATELY 500 ROUNDS OF
22 FIOCCHI AMMUNITION CAL: 223,

23 APPROXIMATELY 165 ROUNDS OF CBC
– BRAZILIAN AMMUNITION,

24 APPROXIMATELY 445 ROUNDS OF
25 REMINGTON CAL: 9 AMMUNITION,
AND

26 APPROXIMATELY 710 ROUNDS OF
27 ASSORTED CAL: 40 AMMUNITION,

28 Defendants.

1 It is hereby stipulated by and between the United States of America and potential claimants
2 Pedro Duran and Sylvia Cisneros (“claimants”), by and through their respective counsel, as follows:

3 1. On or about July 10, 2020, claimants filed a claim in the administrative forfeiture
4 proceeding with the Bureau of Alcohol, Tobacco, Firearms and Explosives with respect to the above-
5 captioned property (hereafter “defendant property”), which was seized on April 29, 2020.

6 2. The Bureau of Alcohol, Tobacco, Firearms and Explosives has sent the written notice of
7 intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties. The time has
8 expired for any person to file a claim to the defendant property under 18 U.S.C. § 983(a)(2)(A)-(E), and
9 no person other than the potential claimants have filed a claim to the defendant property as required by
10 law in the administrative forfeiture proceeding.

11 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for
12 forfeiture against the defendant property and/or to obtain an indictment alleging that the defendant
13 property is subject to forfeiture within ninety days after a claim has been filed in the administrative
14 forfeiture proceedings, unless the court extends the deadline for good cause shown or by agreement of
15 the parties. That deadline was October 6, 2020.

16 4. By Stipulation and Order filed October 5, 2020, the parties stipulated to extend to January
17 4, 2021, the time in which the United States is required to file a civil complaint for forfeiture against the
18 defendant property and/or to obtain an indictment alleging that the defendant property is subject to
19 forfeiture.

20 5. By Stipulation and Order filed February 23, 2021, the parties stipulated to extend to April
21 4, 2021, the time in which the United States is required to file a civil complaint for forfeiture against the
22 defendant property and/or to obtain an indictment alleging that the defendant property is subject to
23 forfeiture.

24 6. By Stipulation and Order filed March 18, 2021, the parties stipulated to extend to July 3,
25 2021, the time in which the United States is required to file a civil complaint for forfeiture against the
26 defendant property and/or to obtain an indictment alleging that the defendant property is subject to
27 forfeiture.

28 7. By Stipulation and Order filed June 21, 2021, the parties stipulated to extend to October

1 1, 2021, the time in which the United States is required to file a civil complaint for forfeiture against the
2 defendant property and/or to obtain an indictment alleging that the defendant property is subject to
3 forfeiture.

4 8. By Stipulation and Order filed September 20, 2021, the parties stipulated to extend to
5 November 30, 2021, the time in which the United States is required to file a civil complaint for
6 forfeiture against the defendant property and/or to obtain an indictment alleging that the defendant
7 property is subject to forfeiture.

8 9. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to extend to
9 February 28, 2022, the time in which the United States is required to file a civil complaint forfeiture
10 against the defendant property and/or to obtain an indictment alleging that the defendant property is
11 subject to forfeiture.

12 10. Accordingly, the parties agree that the deadline by which the United States shall be
13 required to file a complaint for forfeiture against the defendant property and/or to obtain an indictment
14 alleging that the defendant property is subject to forfeiture shall be extended to February 28, 2022.

15 Dated: November 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney

17 By: /s/ Alyson A. Berg
18 ALYSON A. BERG
Assistant United States Attorney

20 Dated: November 16, 2021

By: /s/ Anthony P. Capozzi
21 ANTHONY P. CAPOZZI
Attorney for Potential Claimants
22 Pedro Duran and Sylvia Cisneros
(As approved by email on 11/16/2021)

23 IT IS SO ORDERED.

24 Dated: November 17, 2021


25 SENIOR DISTRICT JUDGE