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

10 UNITED STATES OF AMERICA,)	2:09-cv-1937 GEB-KJM
)	
11 Plaintiff,)	JOINT STIPULATION TO
)	EXTEND STAY AND ORDER
12 v.)	
)	
13 REAL PROPERTY LOCATED AT 17)	
COON CREEK ROAD, HAWKINS BAR,)	DATE: May 10, 2010
14 CALIFORNIA, TRINITY COUNTY,)	TIME: 9:00 a.m.
APN: 008-760-12, INCLUDING)	COURTROOM: 10
15 ALL APPURTENANCES AND)	
IMPROVEMENTS THERETO,)	
16)	
Defendant.)	
17)	

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 19 The plaintiff United States of America and claimants Byron
 20 Pickle (the property owner) and Leung and Betty Chinn
 21 (lienholder) request that the stay entered in this case on
 22 October 7, 2009, be extended an additional 90 days.

23 As explained in the Joint Status Report and Request for Stay
 24 filed on October 5, 2009, this case, and the related case (U.S.
 25 Real Property, 1 Mile Up Hennessey Road, et al., 2:09-cv-1940
 26 GEB-KJM) arose out of an investigation in Trinity County
 27 involving claimant Byron Pickle and two relatives, Thomas and
 28 James Pickle. Local law enforcement officers executed a state

1 search warrant at the defendant property and found 54 pounds of
2 processed marijuana, 364 marijuana plants, approximately \$10,000
3 in cash, and packaging material. Officers found about 45 pounds
4 of processed marijuana, approximately \$60,000 in cash, packaging
5 materials, and multiple firearms when they executed a state
6 search warrant at the Hennessey Road property.

7 The Trinity County District Attorney has filed state drug
8 charges against Thomas and James Pickle. The next status
9 conference in Trinity County Superior Court is scheduled for
10 April 28, 2010. No trial date has been set.

11 While it does not appear that any charges will be filed
12 against claimant Byron Pickle, charges are pending against two
13 individuals involved with the marijuana found on the defendant
14 property. Undoubtedly Thomas and James will assert their Fifth
15 Amendment rights against self-incrimination if plaintiff attempts
16 to depose them before their state charges are resolved, thereby
17 depriving the government of the ability to gather relevant
18 information from percipient witnesses.

19 Accordingly, the parties contend that proceeding with this
20 action at this time has potential adverse affects on the
21 prosecution of the related-criminal case, on claimant's ability
22 to prove his claim to the property and to contest the
23 government's allegations that the property is forfeitable, and on
24 the government's ability to conduct complete discovery. For
25 these reasons, the parties request that this matter be stayed for
26 a period of 90 days, or until further court order or further
27 court-approved stipulation by the parties. At that time the
28 parties will advise the Court whether a further stay is

1 necessary.

2 DATED: April 26, 2010

BENJAMIN B. WAGNER
United States Attorney

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By: /s/ Kristin S. Door
KRISTIN S. DOOR
Assistant U.S. Attorney
Attorneys for plaintiff
United States of America

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7 DATED: April 26, 2010

By: /s/ Editte Lerman
(As authorized on 4/26/10)
EDITTE LERMAN
Attorney for claimant
Byron Pickle

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11 DATED: April 26, 2010

LAW OFFICES OF DAVID
MICHAEL

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By: /s/ Edward M. Burch
(As authorized on 4/26/10)
EDWARD M. BURCH
Attorneys for claimants
Leung Chinn and Betty K. Chinn

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ORDER

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For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g) (1), 981(g) (2) and 21 U.S.C. § 881(i) for 90 days, or until further court order or further court-approved stipulation by the parties. The pretrial scheduling conference is rescheduled for August 23, 2010, at 9:00 a.m. A joint status report is to be filed fourteen days prior to the hearing.

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Dated: May 5, 2010

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GARLAND E. BURRELL, JR.
United States District Judge

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