

1 DANIEL J. BRODERICK, #89424
2 Federal Defender
3 TIMOTHY ZINDEL, Bar #158377
4 Assistant Federal Defender
5 801 I Street, 3rd Floor
6 Sacramento, California 95814
7 Telephone: (916) 498-5700

6 Attorney for Claimant
DALE R. FRISBEY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,) No. 2:10-CV-01116 MCE-KJM
14 Plaintiff,)
15 v.) STIPULATION AND ORDER APPOINTING
16 REAL PROPERTY LOCATED AT 12711) COUNSEL FOR CLAIMANT DALE FRISBEY
17 HIGHWAY 89, SIERRAVILLE,)
18 CALIFORNIA, SIERRA COUNTY, APN:)
018-050-03,) Judge: Hon. Morrison C. England
19 Defendant.)
)

IT IS HEREBY STIPULATED AND AGREED between plaintiff, United States
of America, and claimant, Dale Frisbey, as follows:

23 1. On November 20, 2009, the Magistrate Judge appointed the Office
24 of the Federal Defender to represent Dale R. Frisbey in United States v.
25 Frisbey et al., 2:09-CR-0513, to which the above case has been ordered
26 related. Mr. Frisbey submitted a financial affidavit demonstrating that
27 he was indigent and therefore financially unable to obtain representation
28 by counsel.

2. On May 5, 2010, the United States filed a verified complaint for forfeiture in rem against the above property in Plumas County, California.

3. Section 983(b)(1)(A) of Title 18, United States Code, provides:

If a person with standing to contest the forfeiture of property in a civil judicial forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim.

4. Pursuant to 18 U.S.C. § 983(b)(1)(A), Mr. Frisbey asks the Court to authorize the Federal Defender to represent him in the above forfeiture case.

5. The United States has no objection to the appointment of the Federal Defender as counsel. Since there has not been any discovery undertaken in the case, the United States reserves the right oppose Dale Frisbey's claim and/or answer for any lack of standing on his part to contest the forfeiture of property in a civil judicial forfeiture proceeding under a civil forfeiture statute.

Respectfully submitted,

DANIEL J. BRODERICK
Federal Defender

Dated: June 24, 2010

/s/ T. Zindel
TIMOTHY ZINDEL
Assistant Federal Defender
Attorney for DALE R. FRISBEY

BENJAMIN B. WAGNER
United States Attorney

Dated: June 24, 2010

/s/ S. Ang-Olson
SARALYN M. ANG-OLSON
Assistant U.S. Attorney

ORDER

Pursuant to 18 U.S.C. § 983(b)(1)(A), the Office of the Federal Defender is hereby authorized to represent Dale R. Frisbey in the above case.

IT IS SO ORDERED.

Dated: June 25, 2010


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE