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Attorney for Claimant
DALE R. FRISBEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

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

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

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

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

5 If a person with standing to contest the forfeiture of property
6 in a civil judicial forfeiture proceeding under a civil
7 forfeiture statute is financially unable to obtain
8 representation by counsel, and the person is represented by
9 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.

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

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

19 Respectfully submitted,

20 DANIEL J. BRODERICK
21 Federal Defender

22 Dated: June 24, 2010

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

25 BENJAMIN B. WAGNER
26 United States Attorney

27 Dated: June 24, 2010


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

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2 **O R D E R**
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4 Pursuant to 18 U.S.C. § 983(b)(1)(A), the Office of the Federal
5 Defender is hereby authorized to represent Dale R. Frisbey in the above
6 case.

7 IT IS SO ORDERED.

8 Dated: June 25, 2010
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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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