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Attorneys for Plaintiff
United States of America

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

UNITED STATES OF AMERICA,)	2:11-CV-00091-FCD-KJN
)	
Plaintiff,)	APPLICATION AND ORDER FOR
)	PUBLICATION
v.)	
)	
REAL PROPERTY LOCATED AT 15438 OLD)	
TOLL ROAD, CAMPTONVILLE,)	
CALIFORNIA, YUBA COUNTY,)	
APN: 064-210-041, INCLUDING ALL)	
APPURTENANCES AND IMPROVEMENTS)	
THERE TO,)	
)	
Defendant.)	

The United States of America, Plaintiff herein, applies for
an order of publication as follows:

1. Rule G(4) of the Supplemental Rules for Admiralty or
Maritime Claims and Asset Forfeiture Actions (hereafter
"Supplemental Rules") provides that the Plaintiff shall cause
public notice of the action to be given in a newspaper of general
circulation or on the official internet government forfeiture
site;

2. Local Rule 171, Eastern District of California, provides
that the Court shall designate by order the appropriate newspaper

1 or other vehicle for publication;

2 3. The defendant real property is located in the city of
3 Camptonville, Yuba County, California;

4 4. Plaintiff proposes that publication be made as follows:

5 a. One publication;
6 b. Thirty (30) consecutive days;
7 c. On the official internet government forfeiture
8 site www.forfeiture.gov;

9 d. The publication is to include the following:

10 (1) The Court and case number of the action;

11 (2) The date of the seizure/posting;

12 (3) The identity and/or description of the
13 property seized/posted;

14 (4) The name and address of the attorney for the
15 Plaintiff;

16 (5) A statement that claims of persons entitled
17 to possession or claiming an interest pursuant to Supplemental
18 Rule G(5) must be filed with the Court and served on the attorney
19 for the Plaintiff no later than 60 days after the first day of
20 publication on the official internet government forfeiture site;
21 and

22 (6) A statement that answers to the Complaint or
23 a motion under Rule 12 of the Federal Rules of Civil Procedure
24 ("Fed. R. Civ. P.") must be filed and served within 21 days after

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1 the filing of the claims and, in the absence thereof, default may
2 be entered and condemnation ordered.

3 DATED: 1/8/11

BENJAMIN B. WAGNER
United States Attorney

5 By: /s/ Kelli L. Taylor
6 KELLI L. TAYLOR
Assistant U.S. Attorney

8 **ORDER**

9 The order for publication is hereby granted. However,
10 the undersigned notes that the application did not clearly state a
11 "Frequency of Publication" pursuant to Rule 4(G)(4)(A)(iii). With
12 respect to the frequency of publication, published notice must
13 appear either "once a week for three consecutive weeks" or "only
14 once if, before the action was filed, notice of nonjudicial
15 forfeiture of the same property was published...." Rule
16 4(G)(4)(A)(iii). The application requesting the order did not
17 clearly express whether publication would occur with either of
18 these two frequencies.

19 Nonetheless, in addressing the "Means of Publication"
20 pursuant to Rule 4(G)(4)(iv)(c), the application proposed
21 publishing notice on the official government forfeiture website for
22 "thirty (30) consecutive days." (Dkt. No. 1-2 ¶ 4.b.) Because
23 posting for "thirty (30) consecutive days" is an even greater
24 frequency than the "once a week for three consecutive weeks"
25 required by Rule 4(G)(4)(A)(iii), ample notice will be provided.

26 IT IS SO ORDERED.

27 Dated: February 9, 2011

28 
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE