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

10  
 11 UNITED STATES OF AMERICA, ) 2:11-CV-00099-FCD-KJN  
 )  
 12 Plaintiff, ) APPLICATION AND ORDER FOR  
 ) PUBLICATION  
 13 v. )  
 )  
 14 REAL PROPERTY LOCATED AT 15438 OLD )  
 TOLL ROAD, CAMPTONVILLE, )  
 15 CALIFORNIA, YUBA COUNTY, )  
 )  
 16 APN: 064-210-041, INCLUDING ALL )  
 APPURTENANCES AND IMPROVEMENTS )  
 17 THERETO, )  
 )  
 Defendant. )  
 18

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

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

27 2. Local Rule 171, Eastern District of California, provides  
 28 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](http://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

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

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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

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1 frequency than the "once a week for three consecutive weeks"  
2 required by Rule 4(G)(4)(A)(iii), ample notice will be provided.

3 IT IS SO ORDERED.

4 Dated: January 26, 2011

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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