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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	UNITED STATES OF AMERICA,
11	Plaintiff, No. 2:11-cv-00967 MCE KJN PS
12	v.
13	APPROXIMATELY \$658,830.00 IN U.S. CURRENCY,
14	U.S. CORRENCT,
15	Defendant. ORDER RESETTING BRIEFING SCHEDULE
16	/
17	Presently pending before the court in this forfeiture action are several motions
18	filed by plaintiff or an incarcerated claimant, Robert D. Gibson ("Gibson"). ¹ On February 7,
19	2012, the court provisionally granted plaintiff's motion to stay (Dkt. No. 78) resolution of
20	Gibson's motion to dismiss and motion to suppress (Dkt. Nos. 75-76). ² (Dkt. No. 81.) The court
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22	¹ This case proceeds before the undersigned pursuant to Eastern District of California Local Rules $302(c)(3)$ and $(c)(21)$, and 28 U.S.C. § $636(b)(1)$.
23	² Gibson has requested an update on the status of his motion to suppress and motion to
24	dismiss (Dkt. Nos. 75-76). (Dkt. No. 82.) This order serves in part to clarify for Gibson that both motions have been provisionally stayed and remain pending, as described in the court's order of
25	February 7, 2012. (Dkt. No. 81.) As also provided in the court's order of February 7, 2012, plaintiff need not file oppositions to either motion until after final resolution of plaintiff's pending motion
26	to stay (Dkt. No. 78), whereupon the court will establish one or more briefing schedules for the

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also granted plaintiff's ex parte application seeking resolution of its motion to stay on shortened
 time (Dkt. No. 80). (Id.)

The court also explained that Gibson is entitled to be heard in opposition to plaintiff's motion to stay, and ordered that Gibson be provided with an opportunity to file a written opposition or statement of non-opposition to plaintiff's motion to stay. (<u>Id.</u>) The court gave Gibson until February 28, 2012, to file a written opposition to the motion to stay. (<u>Id.</u>) (ordering that Gibson file written opposition or statement of non-opposition 21 days from the date of the entry of the order).)

On February 13, 2012, Gibson filed a document styled as an "Amended Motion
To Strike Plaintiff's Motion filed February 4th, 2012." (Dkt. No. 83.) Plaintiff states that he was
not served with copies of plaintiff's motions at Docket Numbers 77, 78, and 80. (Id. at 1.)
Gibson also suggests that because he was not served with these motions "on or before" February
7 and 9, 2012, the motions should be stricken. (Id.) However, February 7 and February 9, 2012,
appear to be dates connected to Gibson's pending (and now provisionally stayed) motions — not
dates connected to *plaintiff's* affirmative motions at Docket Number 77, 78, and 80.

In any event, the court's electronic docket shows that on February 6, 2012,
plaintiff filed a Certificate of Service confirming that plaintiff served its motions at Docket
Numbers 77 and 78 upon Gibson through U.S. mail on February 6, 2012. (Dkt. No. 70.) The
court's electronic docket also shows that the Clerk of the Court served the court's order of
February 7, 2012, upon Gibson via fax on February 7, 2012. (Dkt. No 81.)

In an abundance of caution, and to ensure that Gibson has adequate time to file a
written opposition to plaintiff's motion to stay (Dkt. No. 78), the court extends Gibson's deadline
to file an opposition by another 21 days.

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26 various motions pending in this case. (Id.)

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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Gibson's deadline to file a written opposition or statement of non-
3	opposition to plaintiff's motion to stay (Dkt. No. 78) is hereby extended, and Gibson shall file his
4	opposition or statement of non-opposition to plaintiff's motion to stay by no later than March
5	9, 2012. Plaintiff may, but is not required to, file a reply brief within seven days after Gibson
6	files his objection, if any. However, the court may resolve the motion to stay prior to the filing of
7	such a reply brief.
8	2. The court shall enter a briefing schedule on the various other pending
9	motions following final resolution of the motion to stay.
10	3. The Clerk of Court is directed to serve a copy of this order on the litigation
11	coordinator at Salinas Valley State Prison, P.O. Box 1020, Soledad, CA 93960, to ensure timely
12	delivery to prisoner Robert D. Gibson, #E-09929.
13	IT IS SO ORDERED.
14	DATED: February 16, 2012
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16	KENDALLI NEWMAN
17	UNITED STATES MAGISTRATE JUDGE
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