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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:11-cv-00967 MCE KJN PS

v.

APPROXIMATELY \$658,830.00 IN
U.S. CURRENCY,

Defendant.

ORDER RESETTING BRIEFING SCHEDULE

_____/

Presently pending before the court in this forfeiture action are several motions filed by plaintiff or an incarcerated claimant, Robert D. Gibson (“Gibson”).¹ On February 7, 2012, the court provisionally granted plaintiff’s motion to stay (Dkt. No. 78) resolution of Gibson’s motion to dismiss and motion to suppress (Dkt. Nos. 75-76).² (Dkt. No. 81.) The court

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).

² Gibson has requested an update on the status of his motion to suppress and motion to 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 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 to stay (Dkt. No. 78), whereupon the court will establish one or more briefing schedules for the

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

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

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

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

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

24 *////*

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

