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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

On June 19, 2012, this court granted (Dkt. No. 94) a motion by claimant Robert D. Gibson (Dkt. No. 93) in this civil forfeiture action for an extension of Mr. Gibson’s time to file an amended opposition to the government’s Motion To Strike Claim And Answer For Failure To Comply With Supp Rules G(5) And G(6); Alternatively, For Summary Judgment (“Motion”) (Dkt. No. 77.). The court extended until July 10, 2012, Mr. Gibson’s deadline to file his amended opposition. Concurrently, on June 19, 2012, Mr. Gibson filed an amended opposition that appears to have been rushed because Mr. Gibson was unaware the court had granted him more time to file. (Dkt. No. 95.)

This court hereby reaffirms that Mr. Gibson has until July 10, 2012 to file a single amended opposition to the government’s. If Mr. Gibson chooses to revise his amended opposition and refile it and any exhibits thereto by July 10, 2012, this court will consider only the

1 later-filed amended opposition. If Mr. Gibson chooses not to file another amended opposition by
2 July 10, 2012, the court will consider only the amended opposition and the exhibits that Mr.
3 Gibson filed on June 19, 2012. The government may file a reply brief with seven days from the
4 latter of: (1) the date Mr. Gibson files a further amended opposition; or (2) July 10, 2012.

5 The court reminds Mr. Gibson that his failure to adhere to Local Rule 260(b) is
6 grounds for this court to grant summary judgment to the government. As stated in this court's
7 prior order:

8 **In his amended opposition, Mr. Gibson shall reproduce the**
9 **itemized facts in the government's Statement of Undisputed**
10 **Facts (Dkt. No. 77, Doc. 77-2) and admit those facts that are**
11 **undisputed and deny those that he disputes, including with**
12 **each denial a citation to the particular portions of any**
13 **pleading, affidavit, deposition, interrogatory answer,**
14 **admission, or other document he relies upon in support of that**
15 **denial.** Mr. Gibson may also file a concise "Statement of Disputed
16 Facts," and the source thereof in the record, of all additional
17 material facts as to which there is a genuine issue precluding
18 summary judgment or adjudication. Further, Mr. Gibson has a
19 right to file counter-affidavits or other documentary evidence along
20 with his amended opposition.

21 **Failure to comply with this order may result in the court**
22 **taking the government's evidence as the truth and entering**
23 **summary judgment for the government, which will strike Mr.**
24 **Gibson's claim and terminate completely his involvement in**
25 **this civil forfeiture action.**

26 (Dkt. No. 85.)

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Accordingly, it is HEREBY ORDERED that:

1. This court's order (Dkt. No. 94) granting Claimant Robert Gibson's an extension of time until July 10, 2012 to file and serve his *single* amended opposition is reaffirmed.

2. Plaintiff may, but is not required to, file a reply brief with seven days from the latter of: (1) the date Mr. Gibson files a further amended opposition; or (2) July 10, 2012.

IT IS SO ORDERED.

DATED: June 22, 2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE