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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
APPROXIMATELY \$20,725.00 IN U.S.  
CURRENCY,  
APPROXIMATELY \$24,855.00 IN U.S.  
CURRENCY SEIZED FROM SAFE  
DEPOSIT BOX #235,  
APPROXIMATELY \$129,676.77 SEIZED  
FROM BANK OF AMERICA ACCOUNT  
NUMBER 02816-06729,  
APPROXIMATELY \$11,196.18 SEIZED  
FROM BANK OF AMERICA ACCOUNT  
NUMBER 02810-16004,  
APPROXIMATELY \$117,302.47 SEIZED  
FROM BANK OF AMERICA CD ACCOUNT  
NUMBER 02819-08191,  
APPROXIMATELY \$185,247.84 SEIZED  
FROM BANK OF AMERICA CD ACCOUNT  
NUMBER 02810-08280,  
APPROXIMATELY \$5,242.55 SEIZED  
FROM CHASE BANK ACCOUNT NUMBER  
18212938435,

Case No. 2:11-MC-00003 JAM-EFB

TEMPORARY RESTRAINING ORDER  
PROHIBITING THE UNITED STATES  
AND ITS AGENTS, INCLUDING THE  
D.E.A. AND UNITED STATES  
ATTORNEY'S OFFICE FROM  
TRANSFERRING THE SUBJECT  
PROPERTY TO ANYONE PENDING  
FURTHER ORDER OF THIS COURT

1 APPROXIMATELY \$479,170.28 SEIZED )  
FROM WEST AMERICA BANK ACCOUNT )  
2 NUMBER 1505054492, )  
3 APPROXIMATELY \$12,305.80 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
4 NUMBER 25630085, )  
5 APPROXIMATELY \$6,403.46 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
6 NUMBER 25630413, )  
7 APPROXIMATELY \$12,186.97 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
8 NUMBER 802820151, )  
9 APPROXIMATELY \$39,715.64 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
10 NUMBER 2800578, )  
11 APPROXIMATELY \$37,895.74 SEIZED )  
FROM WEST AMERICA BANK ACCOUNT )  
12 NUMBER 505107300, )  
13 APPROXIMATELY \$17,928.84 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
14 NUMBER 802820585, )  
15 APPROXIMATELY \$12,413.49 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
16 NUMBER 2249995, )  
17 APPROXIMATELY \$19,675.65 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
18 NUMBER 2249669, )  
19 APPROXIMATELY \$98,515.79 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
20 NUMBER 25630652, )  
21 APPROXIMATELY \$7,119.45 SEIZED )  
FROM CITY NATIONAL BANK ACCOUNT )  
22 NUMBER 25630099, )  
23 APPROXIMATELY \$292,573.97 SEIZED )  
FROM WELLS FARGO BANK ACCOUNT )  
24 NUMBER 3598404063, )  
25 APPROXIMATELY \$103,117.83 SEIZED )  
FROM WELLS FARGO BANK ACCOUNT )  
26 NUMBER 910442044750301, and )  
27 )  
28 )

1 APPROXIMATELY \$63,160.41 SEIZED )  
FROM WELLS FARGO BANK ACCOUNT )  
2 NUMBER 7936680284, )  
3 Defendants. )  
4

5 **TEMPORARY RESTRAINING ORDER**

6 Claimants Thomas Edward Frankovich and Margaret Atkinson  
7 ("Claimants") have moved for a Temporary Restraining Order as well  
8 as a preliminary injunction and an order requiring the return of  
9 their bank accounts described above. The court finds that:

10 1. The United States has filed a Notice of Election, stating  
11 its intention not to file a complaint for forfeiture of the seized  
12 assets, and has allowed its deadline to file a Complaint, and all  
13 its extensions, to expire.

14 2. Prior to the federal proceedings there were proceedings  
15 in Tehama County Superior Court regarding Frankovich's Claim  
16 Opposing Forfeiture of the subject property, and those proceedings  
17 ended with a court order releasing them unconditionally on November  
18 17, 2010.

19 3. An email from DEA agent Lawrence D'Orazio dated June 22,  
20 2011 indicated the DEA intends imminently to release the funds back  
21 to Tehama County instead of returning them to Claimants. The DEA  
22 has now agreed to retain the funds pending further order from this  
23 Court.

24 4. The \$1.5 million dollars has been seized and detained for  
25 one entire year, without any hearing on the merits under either  
26 state or federal forfeiture law. With so large a sum detained for  
27 so long without any showing of probable cause for the detention,  
28 Claimants have shown irreparable harm.

1           WHEREFORE, it is this 27th day of June, 2011, ORDERED,

2           1.     That this Court temporarily enjoins the United States, or  
3 its agents, including the U.S. Attorney's Office and DEA, from  
4 releasing the assets to anyone until further order from this Court.

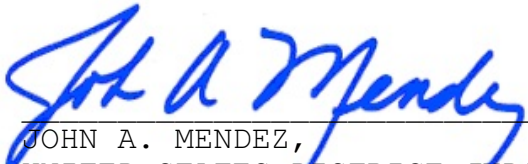
5           2.     A hearing on Claimants' Motion for a Preliminary  
6 Injunction and Order Returning Seized Property to Claimants shall  
7 be set for July 11, 2011 at 9:30 a.m. in Courtroom No. 6 of the  
8 above-captioned Court.

9           3.     Any opposition shall be filed by July 5, 2011.

10          4.     Any reply shall be filed by July 8, 2011.

11  
12           IT IS SO ORDERED.

13          Dated: June 27, 2011

  
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JOHN A. MENDEZ,  
UNITED STATES DISTRICT JUDGE

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