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Attorneys for the United States

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

2:12-CV-00389-MCE-GGH

**STIPULATION TO STAY
PROCEEDINGS AND ORDER**

APPROXIMATELY \$152,479.20 SEIZED
FROM BANK OF STOCKTON
ACCOUNT NUMBER 3350004374,
HELD IN THE NAME OF MEP I
ENTERPRISES, INC.;

APPROXIMATELY \$43,177.58 SEIZED
FROM BANK OF STOCKTON
ACCOUNT NUMBER 1355006253,
HELD IN THE NAME OF MEP I
ENTERPRISES, INC.;

APPROXIMATELY \$22,876.00 SEIZED
FROM BANK OF STOCKTON
ACCOUNT NUMBER 23000441, HELD
IN THE NAME OF MARK E. POWELL
AND CYNDEE L. POWELL TRUST; and,

APPROXIMATELY \$12,820.00 SEIZED
FROM BANK OF STOCKTON
ACCOUNT NUMBER 20001426, HELD
IN THE NAME OF NORTHERN TIRE &
WHEEL SPECIALTIES,

Defendants.

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2 The United States of America and Claimants Mark E. Powell, Cyndee L. Powell, and
3 Mark E. Powell II, by and through their respective counsel, hereby stipulate that a stay is
4 necessary in the above-entitled action and request the Court enter an order staying
5 proceedings for approximately 90 days, until Tuesday September 14, 2012, due to an on-
6 going criminal investigation into one or more violations of 7 U.S.C. § 2024(b) [Food Stamp
7 Fraud], 18 U.S.C. § 641 [Theft of Government Funds], 18 U.S.C. § 1343 [Wire Fraud], 18
8 U.S.C. § 371 [Conspiracy to commit the described offenses], 18 U.S.C. §§ 1956(a)(1)(A)(i)
9 [Money Laundering] and 1956(a)(1)(B)(i) [Money Laundering], 18 U.S.C. § 1956(h) [Money
10 Laundering Conspiracy], 18 U.S.C. § 1957 [Money Laundering] and 31 U.S.C. § 5324(a)(1)
11 [Structuring Transactions To Evade Reporting Requirement].

12 The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2). The United
13 States contends that the defendant assets were proceeds of, involved in, or facilitated the
14 above violations.

15 A stay is warranted because if discovery proceeds at this time in the civil *in rem* case,
16 Claimants would be entitled to depose, among others, the agents and deputies involved
17 with this investigation. Allowing depositions of the law enforcement officers at this stage of
18 the criminal investigation could adversely affect the ability of the federal authorities to
19 thoroughly investigate and criminally prosecute the above listed violations.

20 The parties recognize that proceeding with the civil *in rem* action at this time could
21 have adverse effects on the underlying criminal investigation and/or upon the Claimants'
22 ability to prove their claim to the property and to assert any defenses to forfeiture.

23 For these reasons, the parties jointly request that these matters be stayed for
24 approximately 90 days, until September 14, 2012. On or before September 14, 2012, the
25 parties will file a status report to advise the Court of the status of the criminal
26 investigation and/or prosecution, and whether a further stay is necessary.

27 THEREFORE, the parties to this action stipulate and request as follows:

28 1. Pursuant to 18 U.S.C. §§ 981(g)(1) and (g)(2), this action be stayed due to the

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pending criminal investigation;

2. All presently scheduled court dates be vacated; and,

3. The parties are to promptly notify the Court on or before September 14, 2012, regarding the status of the criminal investigation and/or prosecution.

Respectfully submitted,

Dated: June 14, 2012

BENJAMIN B. WAGNER
United States Attorney


/s/ Heather Mardel Jones
HEATHER MARDEL JONES
Assistant United States Attorney

Dated: June 14, 2012

/s/ Roger Bonakdar
ROGER BONAKDAR
Attorney for Claimants
(Original signature retained by attorney)

IT IS SO ORDERED.

Dated: June 19, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE