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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:13-cv-00194-MCE-KJN

v.

2006 BMW 750LI, VIN:
WBAHN83506DT30035,
LICENSE NUMBER: 5RLP132,

Defendant.

ORDER

Presently before the undersigned is plaintiff's (the "government's") proposed "Application And Order For Publication" ("Application"). (Application, Dkt. No. 1-2.)¹

The government filed its Application pursuant to Rule G(4) of the Supplemental Rules of Admiralty Or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rules"). (Application at 1.) Rule G(4) of the Supplemental Rules provides that the United States shall cause public notice of the action to be given in a newspaper of general circulation or on the official internet government forfeiture site. Eastern District Local Rule 171 provides that the Court shall designate by order the appropriate newspaper or other vehicle for publication.

¹ This case proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(3).

1 In its Application, the government represents that it previously published notice of
2 this action in a publication called the “Dailey Recorder” on October 4, 11 and 18, 2012.
3 (Application at 2 (emphasis added).) The undersigned is unaware of a publication in the Eastern
4 District of California that bears the name “Dailey” Recorder. He is, however, aware of a
5 publication called the Sacramento “Daily Recorder.”

6 It appears that the government’s Application may contain a minor typographical
7 error. In an abundance of caution, however, the undersigned cannot properly review the
8 Application under Supplemental Rule G(4)(iii)- (iv) without further clarification about the
9 publication the government references. Specifically, Supplemental Rule G(4)(iii) provides that
10 the “frequency of” the publication requested in the Application must appear “only once” *if* notice
11 was previously published in a “newspaper of general circulation for three consecutive weeks . . .
12 .” If notice was *not* previously published in such a newspaper, a different “frequency of
13 publication” may be required under Supplemental Rule G(4)(iii)-(iv). Therefore, if the
14 government did truly publish notice in publication called the “Dailey Recorder,” the government
15 must confirm that such publication is in fact a “newspaper of general circulation” pursuant to
16 Supplemental Rule G(4)(iii) and an “appropriate newspaper or other vehicle for publication”
17 pursuant to Eastern District Local Rule 171. Alternatively, if the government published notice in
18 the “Daily Recorder,” the government must correct its Application to accurately state as much.

19 Accordingly, for the foregoing reasons, IT IS HEREBY ORDERED that the
20 government shall promptly file an updated Application clarifying the name of the publication in
21 which notice of this action was previously published October 4, 11 and 18, 2012.

22 IT IS SO ORDERED.

23 DATED: February 6, 2013

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25 _____
26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE