

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:13-cv-0643 JAM KJN

v.

APPROXIMATELY \$189,040.00
IN U.S. CURRENCY,

Defendant.

ORDER

_____ /
This action, commenced on April 3, 2013, is a civil action *in rem* to forfeit to the United States approximately \$189,040.00 in U.S. currency allegedly involved in violations of federal drug laws. (ECF No. 1.) According to the verified complaint, the defendant currency was seized on June 14, 2012, on Highway 44 near Palo Cedro, California from two hidden compartments of a 2008 Lincoln Navigator driven by Asif Hafeez. (Id.)

On May 20, 2013, claimant Asif Hafeez, proceeding without counsel and in forma pauperis, filed a claim with respect to the defendant property. (ECF No. 8.) Claimant Hafeez simultaneously filed a motion to stay this action until an allegedly related criminal action in New York is concluded. (ECF No. 11.) On June 7, 2013, the United States filed an opposition to the motion to stay on the basis that the motion failed to identify sufficient grounds to stay the case under 18 U.S.C. § 981(g)(2) and that claimant Hafeez failed to establish statutory or

1 constitutional standing to file a claim. (ECF No. 18.)

2 Thereafter, on June 14, 2013, the United States also filed a motion to strike
3 claimant Hafeez's claim based in large part on an alleged lack of standing. (ECF No. 20.) That
4 motion was then referred to the undersigned pursuant to Local Rule 302(c)(21), and re-noticed
5 before the undersigned for a hearing on August 8, 2013. (ECF Nos. 22, 24.) The United States
6 has further filed a request that the deadline to submit a joint status report be postponed until
7 resolution of the above-mentioned motions. (ECF No. 23.)

8 Because of the relatedness of the questions presented by claimant Hafeez's motion
9 to stay and the United States's motion to strike, the court finds it appropriate to hear oral
10 argument with respect to both motions on August 8, 2013. Additionally, in light of the pending
11 motions, the court finds that good cause exists to postpone the deadline for filing of a joint status
12 report.

13 Accordingly, for the reasons outlined above, IT IS HEREBY ORDERED that:

14 1. A hearing on both claimant Hafeez's motion to stay (ECF No. 11) and the
15 United States's motion to strike claimant Hafeez's claim (ECF No. 20, 24) is set for August 8,
16 2013, at 10:00 a.m., in Courtroom No. 25 before the undersigned.

17 2. Claimant Hafeez shall file any opposition to the United States's motion to
18 strike no later than July 25, 2013. The United States may file a reply to the opposition, if any, no
19 later than August 1, 2013.

20 3. The deadline to submit a joint status report is postponed until 28 days after
21 final resolution of claimant Hafeez's motion to stay and the United States's motion to strike.

22 IT IS SO ORDERED.

23 DATED: June 17, 2013

24 
25 _____
26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE