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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendant.

No. 2:13-cv-0643-JAM-KJN

ORDER

On August 9, 2013, the magistrate judge filed findings and recommendations (ECF No. 31), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On August 30, 2013, claimant Hafeez filed untimely objections (ECF No. 32).

This court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d

1 452, 454 (9th Cir. 1983).

2 In his objections, Hafeez requests a 180-day stay of the case to obtain counsel. (ECF No.
3 32.) However, even if the court were to consider Hafeez's untimely objections, plaintiff's request
4 to stay the action should be denied, because, for the reasons outlined by the magistrate judge in
5 the findings and recommendations, Hafeez lacks statutory and constitutional standing to pursue
6 his claim.

7 The court has reviewed the applicable legal standards and, good cause appearing,
8 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,

9 IT IS ORDERED that:

- 10 1. The findings and recommendations filed August 9, 2013 (ECF No. 31) are ADOPTED.
- 11 2. The United States' motion to strike (ECF Nos. 20, 24) is GRANTED.
- 12 3. Hafeez's motion to stay the action (ECF No. 11) is DENIED AS MOOT.

13 Dated: November 6, 2013

14 /s/ John A. Mendez

15 UNITED STATES DISTRICT COURT JUDGE
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