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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
                                Plaintiff,  
  
                                v.  
  
APPROXIMATELY \$25,900.00 IN U.S.  
CURRENCY,  
  
                                Defendant.

No. 2:13-cv-0858 JAM DAD PS

ORDER

                                This matter came before the court on October 25, 2013, for a status conference. Kevin Khasigian, Esq. appeared on behalf of the plaintiff. Claimant Gerard Richard appeared telephonically on his own behalf.

                                On October 28, 2013, the court issued an order requiring within thirty days that Claimant Richard file and serve a proper verified claim, within twenty-one days thereafter claimant Richard file and serve an answer, within fourteen days thereafter plaintiff file a proposed schedule for this action and permitting claimant to file his own proposed schedule within fourteen days thereafter. (Dkt. No. 20.) Thereafter, claimant Richard submitted a timely verified claim and answer. However, when plaintiff failed to file a proposed schedule within the time permitted by the court’s order for doing so, claimant Richard filed a motion seeking to have this forfeiture

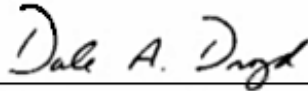
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1 action dismissed with prejudice.<sup>1</sup> (Dkt. No. 25.)

2 Claimant's motion was not properly noticed for hearing in violation of Local Rule  
3 230 and will, therefore, be denied without prejudice.<sup>2</sup>

4 Accordingly, IT IS HEREBY ORDERED that claimant's January 8, 2014 motion  
5 to dismiss (Dkt. No. 25) is denied without prejudice. Claimant may file a proposed schedule for  
6 this action within fourteen days of the date of this order if he desires to do so..

7 Dated: January 24, 2014

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9 \_\_\_\_\_  
10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> Soon thereafter plaintiff's counsel filed a proposed schedule, explaining that the delay in filing  
27 had been due to illness. (Dkt. No. 24.)

28 <sup>2</sup> Although claimant's motion to dismiss is denied without prejudice, claimant is advised that the  
motion to dismiss filed on January 8, 2014, also appears to be both inadequate and without merit.