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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.

APPROXIMATELY \$122,000.00 IN U.S.
CURRENCY,

Defendant.

2:13-MC-00072-MCE-AC

STIPULATION AND ORDER EXTENDING
TIME FOR FILING A COMPLAINT FOR
FORFEITURE AND/OR TO OBTAIN AN
INDICTMENT ALLEGING FORFEITURE

It is hereby stipulated by and between the United States of America and claimant Gregory Thomas Phelan (“claimant”), by and through their respective counsel, as follows:

1. On or about May 6, 2013, claimant Gregory Thomas Phelan filed a claim in the administrative forfeiture proceeding with the U.S. Postal Inspection Service with respect to the Approximately \$122,000.00 in U.S. Currency (hereafter “defendant currency”), which was seized on February 5, 2013.

2. The U.S. Postal Inspection Service has sent the written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties. The time has expired for any person to file a claim to the defendant currency under 18 U.S.C. § 983(a)(2)(A)-(E), and no person other than claimant has filed a claim to the defendant currency as required by law in the administrative forfeiture proceeding.

3. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for forfeiture

1 against the defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to
2 forfeiture within ninety days after a claim has been filed in the administrative forfeiture proceeding, unless the
3 court extends the deadline for good cause shown or by agreement of the parties. That deadline was August 2,
4 2013.

5 4. By Stipulation and Order filed August 5, 2013, the parties stipulated to extend to October 31,
6 2013, the time in which the United States is required to file a civil complaint for forfeiture against the defendant
7 currency and/or to obtain an indictment alleging that the defendant currency is subject to forfeiture.

8 5. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend to
9 January 29, 2014, the time in which the United States is required to file a civil complaint for forfeiture against the
10 defendant currency and/or to obtain an indictment alleging that the defendant currency is subject to forfeiture.

11 6. Accordingly, the parties agree that the deadline by which the United States shall be required to file
12 a complaint for forfeiture against the defendant currency and/or to obtain an indictment alleging that the defendant
13 currency is subject to forfeiture shall be extended to January 29, 2014.

14 Dated: 10/24/2013

BENJAMIN B. WAGNER
United States Attorney


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16 By: /s/ Kevin C. Khasigian
17 KEVIN C. KHASIGIAN
Assistant U.S. Attorney

18
19 Dated: 10/23/2013

/s/ Timothy Zindel
TIMOTHY ZINDEL
Attorney for claimant Gregory Thomas Phelan
(Authorized by email)

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22 **IT IS SO ORDERED.**

23 Dated: October 30, 2013

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25 
26 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT