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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

2:14-CV-01076-MCE-DAD

12 Plaintiff,

13 v.

REQUEST AND ORDER TO
EXTEND DEADLINE TO FILE
JOINT STATUS REPORT

14 APPROXIMATELY \$9,000.00 IN U.S.
CURRENCY,

15 Defendant.
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18 The United States requests that the Court continue the deadline to file a Joint
19 Status Report (“JSR”) from October 2, 2014 to December 31, 2014. For the reasons set
20 forth below, there is good cause to continue the deadline to file a JSR.

21 **Introduction**

22 On April 30, 2014, the United States filed a civil forfeiture complaint against the
23 above-captioned currency (“Defendant Currency”) based on its alleged involvement in
24 federal drug law violations.

25 All known potential claimants to the defendant properties were served in a manner
26 consistent with *Dusenbery v. United States*, 534 U.S. 161, 168 (2002) and the applicable
27 statutory authority. Additionally, public notice on the official internet government
28 forfeiture site, www.forfeiture.gov, began on May 13, 2014, and ran for thirty consecutive

1 days, as required by Rule G(4)(a)(iv)(C) of Supplemental Rules for Admiralty or Maritime
2 Claims and Asset Forfeiture Actions. A Declaration of Publication was filed on July 1,
3 2014.

4 On June 6, 2014, Beverly Faille (“Faille”) filed a claim to the Defendant Currency.
5 No other party has entered this case.

6 The United States has attempted to contact Faille on two separate occasions to
7 resolve this case and/or file a JSR. True and correct copies of the letters, along with the
8 certified mail receipt for the letter sent on August 6, 2014, are attached hereto as Exhibit
9 A. To date, however, the United States has been unsuccessful. Faille is preceding *pro se*,
10 lives in Massachusetts, and has not provided a telephone number or email address. The
11 United States therefore requests a further extension of 90 days, until December 31, 2014,
12 to file a JSR.

13 In the very near future, the United States will issue discovery to the claimant on
14 the issue of standing. See *United States v. \$133,420.00 in U.S. Currency*, 672 F.3d 629,
15 635 (9th Cir. 2012) (“Unlike in typical civil proceedings, the government may commence
16 limited discovery immediately after a verified claim is filed. Supplemental Rule G(6)(a)
17 provides that “[t]he government may serve special interrogatories limited to the
18 claimant's identity and relationship to the defendant property without the court's leave at
19 any time after the claim is filed and before discovery is closed.”). Accordingly, an
20 extension of the JSR deadline will allow the parties to complete the “standing” discovery
21 before fully scheduling the case and reaching merits-based discovery.

22 In light of the United States’ intent to seek discovery on the issue of standing, the
23 parties request a continuance of the deadline to file a Joint Status Report from October 2,
24 2014 to December 31, 2014, or to another date the Court deems appropriate.

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1 **Good Cause**

2 For these reasons stated herein, the United States believes there is good cause to
3 continue the deadline to file a JSR to December 31, 2014 (or to another date the Court
4 deems appropriate).

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6 Dated: 9/24/2014

BENJAMIN B. WAGNER
United States Attorney


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8 By: /s/ Jeffrey A. Spivak
9 JEFFREY A. SPIVAK
Assistant U.S. Attorney

10 **ORDER**

11 Pursuant to the United States' request and good cause appearing, the deadline to
12 file a Joint Status Report currently set for October 2, 2014 is to be CONTINUED to
13 December 31, 2014.

14 **IT IS SO ORDERED.**

15 **Dated: September 29, 2014**

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