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 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$30,670.00 IN U.S.
 15 CURRENCY,

16 Defendant.

2:14-cv-02586-MCE

STIPULATION AND ORDER TO
 STAY FURTHER PROCEEDINGS

17
 18 The United States and claimant Christian Dapaah (“claimant”) hereby stipulate
 19 that a stay is necessary in the above-entitled action, and request that the Court enter an
 20 order staying all further proceedings due to an on-going related criminal case against
 21 claimant Christian Dapaah in Stanislaus County Superior Court People v. Christian
 22 William Dapaah, Case Number 1469889. A Preliminary Hearing is presently scheduled
 23 for July 1, 2016.

24 1. Claimant has filed a claim in this *in rem* forfeiture action, asserting he is the
 25 legal and rightful owner of the defendant property in this action. ECF No. 6.

26 2. The stay is requested pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2). The
 27 United States contends that the defendant currency was derived from or was intended to
 28 be used in a violation of federal law, 21 U.S.C. § 841, et seq. (manufacture, distribute, or

1 dispense, or possess with intent to manufacture, distribute, or dispense, a controlled
2 substance). Claimant denies these allegations.

3 3. The United States intends to depose claimant Dapaah regarding his claim
4 and the allegations as set forth in the complaint. If discovery proceeds at this time,
5 claimant will be placed in the difficult position of either invoking his Fifth Amendment
6 rights against self-incrimination and losing the ability to pursue his claim to the
7 Defendant Currency, or waiving his Fifth Amendment rights and submitting to a
8 deposition and potentially incriminating himself. If he invokes his Fifth Amendment
9 rights, the United States will be deprived of the ability to explore the factual basis for the
10 claim he filed with this court.

11 4. In addition, claimant intends to depose, among others, law enforcement
12 involved with this and other investigations. Allowing depositions of the law enforcement
13 officers at this time would adversely impact the ability of such law enforcement officers to
14 investigate the alleged underlying criminal conduct.

15 5. The parties recognize that proceeding with this action at this time has
16 potential adverse effects on the criminal case and/or upon the claimant's ability to assert
17 any defenses to forfeiture. For these reasons, and because the parties are attempting to
18 settle the civil forfeiture case, the parties jointly request that these matters be stayed
19 until December 28, 2016, in accordance with the terms of this stipulation.

20 6. At that time the parties will advise the court of the status of the criminal
21 investigation and will advise the court whether a further stay is necessary.

22 Respectfully submitted,

23 Dated: June 23, 2016

PHILLIP A. TALBERT
Acting United States Attorney

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25 By: /s/ Jeffrey A. Spivak
JEFFREY A. SPIVAK
26 Assistant U.S. Attorney
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1 Dated: June 23, 2016

/s/ Philip A. Schnayerson for Austin Thompson
AUSTIN THOMPSON
GARCIA, SCHNAYERSON & THOMPSON
Attorney for Claimant Christian Dapaah
(Authorized by email on 6/23/16)

4 **ORDER**

5 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§
6 981(g)(1) and 981(g)(2) until December 28, 2016, in accordance with the terms of this
7 stipulation. On or before December 21, 2016, the parties will advise the court whether a
8 further stay is necessary.

9 IT IS SO ORDERED.

10 Dated: June 29, 2016

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12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
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