

1 PHILLIP A. TALBERT
 United States Attorney
 2 JEFFREY A. SPIVAK
 Assistant U. S. Attorney
 3 2500 Tulare Street, Suite 4401
 Fresno, CA 93721
 4 Telephone: (559) 497-4000
 5 Attorneys for the United States

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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.
 CURRENCY,

15 Defendant.
 16

2:14-cv-02586-MCE

STIPULATION AND ORDER TO
 STAY FURTHER PROCEEDINGS

17
 18 The United States and claimant Christian Dapaah (“claimant”) hereby stipulate that a stay is
 19 necessary in the above-entitled action, and request that the Court enter an order staying all further
 20 proceedings due to an on-going related criminal case against claimant Christian Dapaah in Stanislaus
 21 County Superior Court People v. Christian William Dapaah, Case Number 1469889. A Status
 22 Conference is presently scheduled for September 5, 2017.

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

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

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

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

12 5. The parties recognize that proceeding with this action at this time has potential adverse
13 effects on the criminal case and/or upon the claimant's ability to assert any defenses to forfeiture. For
14 these reasons, and because the parties are attempting to settle the civil forfeiture case, the parties jointly
15 request that these matters be stayed until September 12, 2017, in accordance with the terms of this
16 stipulation.

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

19 Respectfully submitted,

20 Dated: March 20, 2017

PHILLIP A. TALBERT
United States Attorney

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

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26 Dated: March 20, 2017

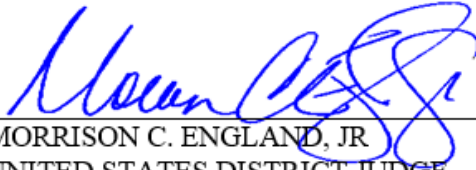
/s/ Austin Thompson
AUSTIN THOMPSON
GARCIA, SCHNAYERSON & THOMPSON
Attorney for Claimant Christian Dapaah
(As approved by email on 3/20/17)

1 **ORDER**

2 For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and
3 981(g)(2) until September 12, 2017, in accordance with the terms of this stipulation. On or before
4 September 12, 2017, the parties will advise the court whether a further stay is necessary.

5 IT IS SO ORDERED.

6 Dated: March 21, 2017

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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