1 2	McGREGOR W. SCOTT United States Attorney JEFFREY A. SPIVAK Assistant U. S. Attorney		
3	2500 Tulare Street, Suite 4401 Fresno, CA 93721 Telephone: (559) 497-4000		
4			
5	Attorneys for the United States		
6			
7			
8	IN THE UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10			
11	UNITED STATES OF AMERICA,	2:14-cv-02586-MCE	
12	Plaintiff,	STIPULATION AND ORDER TO STAY FURTHER PROCEEDINGS	
13	V.	STAT FORTHER PROCEEDINGS	
14	APPROXIMATELY \$30,670.00 IN U.S. CURRENCY,		
15	Defendant.		
16			
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 Motion for		
22	Factual of Innocence is presently scheduled for May 11, 2018.		
23	1. Claimant has filed a claim in this <i>in rem</i> 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.1Stipulation and Order to Stay Further Proceedings	

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

5. The parties recognize that proceeding with this action at this time has potential adverse
effects on the criminal case and/or upon the claimant's ability to assert any defenses to forfeiture. For
these reasons, and because the parties are attempting to settle the civil forfeiture case, the parties jointly
request that these matters be stayed until July 12, 2018, in accordance with the terms of this stipulation.
At that time the parties will advise the court of the status of the criminal investigation
and will advise the court whether a further stay is necessary.

Respectfully submitted,

McGREGOR W. SCOTT United States Attorney

By: <u>/s/ Jeffrey A. Spivak</u> JEFFREY A. SPIVAK Assistant U.S. Attorney

24 Dated: April 20, 2018

Dated: April 20, 2018

18

19

20

21

22

23

25

26

27

28

/s/ Austin Thompson AUSTIN THOMPSON GARCIA, SCHNAYERSON & THOMPSON Attorney for Claimant Christian Dapaah (As approved by email on 04/20/2018)

2

1	ORDER
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	ORDER For the reasons set forth in the foregoing stipulation, and good cause appearing, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1) and 981(g)(2) until July 12, 2018, in accordance with the terms of this stipulation. On or before July 5, 2018, the parties will advise the court whether a further stay is necessary. IT IS SO ORDERED. Dated: April 24, 2018 MORRISON C. ENGLAND, JR UNITED STATES DISTRICT JUDGE
 16 17 18 19 20 21 	
 21 22 23 24 25 	
25 26 27 28	3 Stipulation and Order to Stay Further Proceedings