1 2	McGREGOR W. SCOTT United States Attorney JEFFREY A. SPIVAK	
3	Assistant U. S. Attorney 2500 Tulare Street, Suite 4401	
4	Fresno, CA 93721 Telephone: (559) 497-4000	
5	Attorneys for the United States	
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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-02586-MCE
12	Plaintiff,	STIPULATION AND ORDER TO
13	v.	STAY FURTHER PROCEEDINGS
14	APPROXIMATELY \$30,670.00 IN U.S. CURRENCY,	
15	Defendant.	
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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 <u>People v. Christian William Dapaah</u> , Case Number 1469889. A Motion for	
22	Factual of Innocence is presently scheduled for A	-
23		in rem forfeiture action, asserting he is the legal and
24	rightful owner of the defendant property in this action. ECF No. 6.	
25		18 U.S.C. §§ $981(g)(1)$ and $981(g)(2)$. The United
26		derived from or was intended to be used in a violation
27		ture, 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 October 10, 2018, in accordance with the terms of this
stipulation.

17 6. At that time the parties will advise the court of the status of the criminal investigation18 and will advise the court whether a further stay is necessary.

20 Dated: July 5, 2018

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Respectfully submitted,

McGREGOR W. SCOTT United States Attorney

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

25 Dated: July 5, 2018

/s/ Austin Thompson AUSTIN THOMPSON GARCIA, SCHNAYERSON & THOMPSON Attorney for Claimant Christian Dapaah (As approved by email on 07/05/2018)

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 October 10, 2018, in accordance with the terms of this stipulation. On or before		
4	October 3, 2018, the parties will advise the court whether a further stay is necessary.		
5	IT IS SO ORDERED.		
6	Dated: July 17, 2018		
7	Malan USX.		
8	MORRISON C. ENGLAND, JR UNITED STATES DISTRICT JUDGE		
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28	3 Stipulation and Order to Stay Further Proceedings		