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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 further  
 19 stay is necessary in the above-entitled action, and request that the Court enter an order staying all  
 20 further proceedings due to an on-going related criminal case against Claimant in Stanislaus County  
 21 Superior Court: *People v. Christian William Dapaah*, Case No. 1459889. A Motion for Factual  
 22 Innocence is presently scheduled for hearing on October 22, 2018.

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)–(2). The United States  
 26 contends that the defendant currency was derived from or was intended to be used in a violation of  
 27 federal law, 21 U.S.C. § 841, et seq. (manufacturing, distributing, or dispensing, or possessing with  
 28 intent to manufacture, distribute, or dispense, a controlled substance). Claimant denies these

1 allegations.

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

9 4. The parties recognize that proceeding with this action at this time has potential adverse  
10 effects on the criminal case and/or upon the claimant's ability to assert any defenses to forfeiture. For  
11 these reasons, and because the parties are attempting to settle the civil forfeiture case, the parties jointly  
12 request that these matters be stayed until November 29, 2018, in accordance with the terms of this  
13 stipulation.

14 5. At that time the parties will advise the Court of the status of the criminal case and will  
15 advise the court whether a further stay is necessary.

16 Respectfully submitted,

17 Dated: October 1, 2018

McGREGOR W. SCOTT  
United States Attorney

18  
19 By: /s/ Erin M. Sales  
ERIN M. SALES  
Assistant U.S. Attorney

20  
21  
22 Dated: September 28, 2018

/s/ Austin Thompson  
AUSTIN THOMPSON  
GARCIA, SCHNAYERSON & THOMPSON  
Attorney for Claimant Christian Dapaah  
(As approved by email on 09/28/2018)

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**ORDER**

For the reasons set forth above, this matter is stayed pursuant to 18 U.S.C. §§ 981(g)(1)–(2) until November 29, 2018, in accordance with the terms of this stipulation. On or before November 21, 2018, the parties will advise the Court whether a further stay is necessary.

IT IS SO ORDERED.

Dated: October 1, 2018

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE