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 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.

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

15 Defendant.
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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 November 30, 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 January 11, 2019, 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
17 Dated: November 19, 2018

Respectfully submitted,

McGREGOR W. SCOTT
United States Attorney

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

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21
22 Dated: November 19, 2018

/s/ Austin Thompson
AUSTIN THOMPSON
GARCIA, SCHNAYERSON & THOMPSON
Attorney for Claimant Christian Dapaah
(As approved by email on 11/19/2018)


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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 January 11, 2019, in accordance with the terms of this stipulation. On or before January 4, 2019, the parties will advise the Court whether a further stay is necessary.

IT IS SO ORDERED.

Dated: November 26, 2018


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE