

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 Assistant U.S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 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,  
 12 Plaintiff,  
 13 v.  
 14 2011 TOYOTA SIENNA SE WAGON, VIN:  
 5TDXK3DC7BS077981, LICENSE NUMBER:  
 15 6PSZ063,  
 16 Defendant.

2:14-MC-00111-TLN-CKD

STIPULATION AND ORDER  
 EXTENDING TIME FOR FILING  
 A COMPLAINT FOR FORFEITURE  
 AND/OR TO OBTAIN AN  
 INDICTMENT ALLEGING  
 FORFEITURE

17  
 18 It is hereby stipulated by and between the United States of America and claimant Jimmy  
 19 Quanguang Xu, through undersigned counsel, as follows:

20 1. On or about June 23, 2014, claimant Jimmy Quanguang Xu filed a claim, in the  
 21 administrative forfeiture proceedings, with the Drug Enforcement Administration with respect to the  
 22 2011 Toyota Sienna SE Wagon, VIN: 5TDXK3DC7BS0779, License Number: 6PSZ063 (hereafter  
 23 “defendant vehicle”), which were seized on May 1, 2013.

24 2. The Drug Enforcement Administration has sent the written notice of intent to forfeit  
 25 required by 18 U.S.C. § 983(a)(1)(A) to all known interested parties. The time has expired for any  
 26 person to file a claim to the defendant vehicle under 18 U.S.C. § 983(a)(2)(A)-(E), and no person other  
 27 than the claimant has filed a claim to the defendant vehicle as required by law in the administrative  
 28 forfeiture proceeding.

1           3.       Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for  
2 forfeiture against the defendant vehicle and/or to obtain an indictment alleging that the defendant  
3 vehicle are subject to forfeiture within ninety days after a claim has been filed in the administrative  
4 forfeiture proceedings, unless the court extends the deadline for good cause shown or by agreement of  
5 the parties. That deadline was September 22, 2014.

6           4.       By Stipulation and Order filed November 25, 2014, the parties stipulated to extend to  
7 December 22, 2014, the time in which the United States is required to file a civil complaint for  
8 forfeiture against the defendant vehicle and/or to obtain an indictment alleging that the defendant  
9 vehicle is subject to forfeiture.

10          5.       By Stipulation and Order filed December 24, 2014, the parties stipulated to extend to  
11 March 23, 2015, the time in which the United States is required to file a civil complaint for forfeiture  
12 against the defendant vehicle and/or to obtain an indictment alleging that the defendant vehicle is  
13 subject to forfeiture.

14          6.       By Stipulation and Order filed March 23, 2015, the parties stipulated to extend to June  
15 22, 2015, the time in which the United States is required to file a civil complaint for forfeiture against  
16 the defendant vehicle and/or to obtain an indictment alleging that the defendant vehicle is subject to  
17 forfeiture.

18          7.       By Stipulation and Order filed June 22, 2015, the parties stipulated to extend to August  
19 21, 2015, the time in which the United States is required to file a civil complaint for forfeiture against  
20 the defendant vehicle and/or to obtain an indictment alleging that the defendant vehicle is subject to  
21 forfeiture.

22          8.       By Stipulation and Order filed August 26, 2015, the parties stipulated to extend to  
23 September 21, 2015, the time in which the United States is required to file a civil complaint for  
24 forfeiture against the defendant vehicle and/or to obtain an indictment alleging that the defendant  
25 vehicle is subject to forfeiture.

26          9.       By Stipulation and Order filed September 21, 2015, the parties stipulated to extend to  
27 November 20, 2015, the time in which the United States is required to file a civil complaint for  
28 forfeiture against the defendant vehicle and/or to obtain an indictment alleging that the defendant

1 vehicle is subject to forfeiture.

2 10. By Stipulation and Order filed November 23, 2015, the parties stipulated to extend to  
3 January 19, 2016, the time in which the United States is required to file a civil complaint for forfeiture  
4 against the defendant vehicle and/or to obtain an indictment alleging that the defendant vehicle is  
5 subject to forfeiture.

6 11. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement for an extension  
7 to February 18, 2016, the time in which the United States is required to file a civil complaint for  
8 forfeiture against the defendant vehicle and/or to obtain an indictment alleging that the defendant  
9 vehicle are subject to forfeiture.

10 12. Accordingly, the parties agree that the deadline by which the United States shall be  
11 required to file a complaint for forfeiture against the defendant vehicle and/or to obtain an indictment  
12 alleging that the defendant vehicle are subject to forfeiture shall be extended to February 18, 2016.

13 Dated: 1/19/2016

BENJAMIN B. WAGNER  
United States Attorney

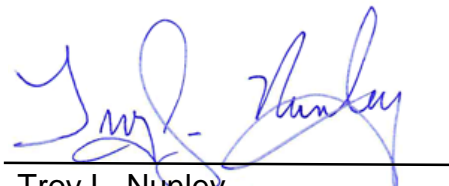
14  
15 By: /s/ Kevin C. Khasigian  
KEVIN C. KHASIGIAN  
Assistant U.S. Attorney

16  
17 Dated: 1/19/2016

/s/ Lawrence T. Niermeyer  
LAWRENCE T. NIERMEYER  
Attorney for Claimant Jimmy Quanguang Xu  
(As authorized via phone)

18  
19  
20  
21 IT IS SO ORDERED.

22 Dated: January 25, 2016

23  
24  
25  
26  
27  
28  
  
Troy L. Nunley  
United States District Judge