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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 UNITED STATES OF AMERICA,

2:15-mc-00036-MCE-DB

12 Plaintiff,

13 v.

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

14 APPROXIMATELY \$84,359.00 IN U.S.  
 CURRENCY,

15 2013 CHEVROLET CAMARO SS, LICENSE  
 16 NUMBER 7GXH521, VIN: 2G1FK3DJ7D9224539,

17 2009 HARLEY DAVIDSON, LICENSE NUMBER  
 21P6911, VIN: 1HD1GY4319K311293,

18 2007 CHEVROLET AVALANCHE CREW CAB  
 19 1500, LICENSE NUMBER 10031T1, VIN:  
 3GNEC12017G225993, AND

20 2004 CADILLAC XLR, LICENSE NUMBER  
 21 7GXH653, VIN: 1G6YV34A345601665,

22 Defendants.

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 24 It is hereby stipulated by and between the United States of America and potential claimant David  
 25 Allen Smith (“claimant”), by and through their respective counsel, as follows:

- 26 1. On or about February 17, 2015, the Citrus Heights Police Department seized the above-  
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 28

1 referenced defendant properties<sup>1</sup> as part of a joint investigation with the Bureau of Alcohol, Tobacco,  
2 Firearms and Explosives.

3           2.       Under 18 U.S.C. §§ 983(a)(1)(A)(iv) and 983 (a)(3)(A), the United States is required to  
4 send notice to potential claimants, file a complaint for forfeiture against the defendant properties, and/or  
5 obtain an indictment alleging that the defendant properties are subject to forfeiture within ninety days of  
6 seizure by the State or local law enforcement agency, unless the court extends the deadline for good  
7 cause shown or by agreement of the parties. That deadline was May 18, 2015.

8           3.       By Stipulation and Order filed April 29, 2015, the parties stipulated to extend to July 17,  
9 2015, the time in which the United States is required to file a civil complaint for forfeiture against the  
10 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
11 forfeiture.

12           4.       By Stipulation and Order filed July 29, 2015, the parties stipulated to extend to October  
13 15, 2015, the time in which the United States is required to file a civil complaint for forfeiture against the  
14 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
15 forfeiture.

16           5.       By Stipulation and Order filed October 21, 2015, the parties stipulated to extend to  
17 December 14, 2015, the time in which the United States is required to file a civil complaint for forfeiture  
18 against the defendant properties and/or to obtain an indictment alleging that the defendant properties are  
19 subject to forfeiture.

20           6.       By Stipulation and Order filed December 23, 2015, the parties stipulated to extend to  
21 March 14, 2016, the time in which the United States is required to file a civil complaint for forfeiture  
22 against the defendant properties and/or to obtain an indictment alleging that the defendant properties are  
23 subject to forfeiture.

24           7.       By Stipulation and Order filed March 16, 2016, the parties stipulated to extend to June 13,  
25 2016, the time in which the United States is required to file a civil complaint for forfeiture against the  
26 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to

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27 <sup>1</sup> The United States learned that a total of \$83,221.35 was seized from David Smith, rather than the \$84,359.00 identified in  
28 the caption. In addition, the United States decided not to file against the 2013 Chevrolet Camaro SS, 2009 Harley Davidson,  
and 2004 Cadillac XLR identified in the caption.

1 forfeiture.

2 8. By Stipulation and Order filed June 14, 2016, the parties stipulated to extend to September  
3 12, 2016, the time in which the United States is required to file a civil complaint for forfeiture against the  
4 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
5 forfeiture.

6 9. By Stipulation and Order filed September 14, 2016, the parties stipulated to extend to  
7 November 14, 2016, the time in which the United States is required to file a civil complaint for forfeiture  
8 against the defendant properties and/or to obtain an indictment alleging that the defendant properties are  
9 subject to forfeiture.

10 10. By Stipulation and Order filed November 14, 2016, the parties stipulated to extend to  
11 February 13, 2017, the time in which the United States is required to file a civil complaint for forfeiture  
12 against the defendant properties and/or to obtain an indictment alleging that the defendant properties are  
13 subject to forfeiture.

14 11. By Stipulation and Order filed February 7, 2017, the parties stipulated to extend to April  
15 14, 2017, the time in which the United States is required to file a civil complaint for forfeiture against the  
16 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
17 forfeiture.

18 12. By Stipulation and Order filed April 19, 2017, the parties stipulated to extend to July 13,  
19 2017, the time in which the United States is required to file a civil complaint for forfeiture against the  
20 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
21 forfeiture.

22 13. By Stipulation and Order filed July 14, 2017, the parties stipulated to extend to October  
23 11, 2017, the time in which the United States is required to file a civil complaint for forfeiture against the  
24 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to  
25 forfeiture.

26 14. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend  
27 to January 9, 2018, the time in which the United States is required to file a civil complaint for forfeiture  
28 against the defendant properties and/or to obtain an indictment alleging that the defendant properties are

1 subject to forfeiture.

2 15. Accordingly, the parties agree that the deadline by which the United States shall be  
3 required to file a complaint for forfeiture against the defendant properties and/or to obtain an indictment  
4 alleging that the defendant properties are subject to forfeiture shall be extended to January 9, 2018.

5 Dated: 10/2/17

PHILLIP A. TALBERT  
United States Attorney

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

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9 Dated: 10/2/17

/s/ Noa E. Oren  
NOA E. OREN  
Attorney for potential claimant  
David Allen Smith  
(Authorized by email)

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13 **IT IS SO ORDERED.**

14 Dated: October 5, 2017

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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

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