

1 McGREGOR W. SCOTT
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

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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 \$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.
23

2:15-MC-00036-MCE-DB

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

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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1 referenced defendant properties¹ 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 _____
27 ¹ 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. The ATF administratively forfeited the 2007 Chevrolet Avalanche Crew
Cab 1500, License Number 10031T1, VIN: 3GNEC12017G225993 on June 7, 2017.

1 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to
2 forfeiture.

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

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

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

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

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

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

27 14. By Stipulation and Order filed October 6, 2017, the parties stipulated to extend to January
28 9, 2018, the time in which the United States is required to file a civil complaint for forfeiture against the

1 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to
2 forfeiture.

3 15. By Stipulation and Order filed January 10, 2018, the parties stipulated to extend to April
4 9, 2018, the time in which the United States is required to file a civil complaint for forfeiture against the
5 defendant properties and/or to obtain an indictment alleging that the defendant properties are subject to
6 forfeiture.

7 16. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend
8 to June 8, 2018, the time in which the United States is required to file a civil complaint for forfeiture
9 against the defendant currency and/or to obtain an indictment alleging that the defendant currency is
10 subject to forfeiture.

11 17. Accordingly, the parties agree that the deadline by which the United States shall be
12 required to file a complaint for forfeiture against the defendant currency and/or to obtain an indictment
13 alleging that the defendant currency is subject to forfeiture shall be extended to June 8, 2018.

14 Dated: 3/27/18

McGREGOR W. SCOTT
United States Attorney


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

17
18 Dated: 3/27/18

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

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22 **IT IS SO ORDERED.**

23 Dated: March 30, 2018

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE