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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.

2:15-mc-00036-MCE-DAD

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

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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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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. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to further extend
17 to December 14, 2015, the time in which the United States is required to file a civil complaint for
18 forfeiture against the defendant properties and/or to obtain an indictment alleging that the defendant
19 properties are subject to forfeiture.

20 6. Accordingly, the parties agree that the deadline by which the United States shall be

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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.

1 required to file a complaint for forfeiture against the defendant properties and/or to obtain an indictment
2 alleging that the defendant properties are subject to forfeiture shall be extended to December 14, 2015.

3 Dated: 10/15/15

BENJAMIN B. WAGNER
United States Attorney

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


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7 Dated: 10/15/15

/s/ Linda Parisi
LINDA PARISI
Attorney for potential claimant
David Allen Smith

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9 (Authorized by telephone)

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11 **IT IS SO ORDERED.**

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13 DATED: October 20, 2015

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT