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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 03-00295 CRB

Plaintiff,

**ORDER DENYING IN PART
MOTION FOR RETURN OF
PROPERTY**

v.

STEVEN FARIAS,

Defendant.

On November 17, 2009, at the request of Defendant Steven Farias, this Court issued an order extending by thirty days the time in which Defendant was permitted to respond to the government's October 19, 2009 Reply to Defendant's Objection Filed September 21, 2009. The Court stated that "If Defendant fails to respond within that time, the Court will deem the government's request to deny the return of \$3,524 unopposed." More than thirty days have passed, without a response from Defendant, and so the Court deems the government's Reply unopposed. The Court DENIES Defendant's motion for the return of \$3,524 on that basis.

In the alternative, the Court has carefully reviewed the extensive papers filed by each side in this matter, culminating in the government's detailed October 19, 2009 Reply, which demonstrates that: (1) the currency at issue was seized from Ms. Rivasplata's robe at the time of arrest, at which time Ms. Rivasplata stated that the currency belonged to her; (2) the FBI mailed to Defendant written notice of its intent to forfeit the currency, sending letters to

1 Defendant's residence, his place of incarceration, and also to his attorney; (3) the FBI
2 published notice of the seizure and forfeiture; (4) the FBI received a verified claim to the
3 currency from Ms. Rivasplata, and did not receive any claim from Defendant; and (5) the
4 FBI returned the currency to Ms. Rivasplata. In light of these facts, the Court finds that the
5 government properly returned the property to Ms. Rivasplata, and that Defendant's motion
6 for return of \$3,524 is without merit. It is therefore DENIED on that basis as well.

7 The August 11, 2009 Order of this Court is hereby AMENDED to deny Defendant's
8 request for the return of \$3,524.

9 **IT IS SO ORDERED.**

10 Dated: December 23, 2009



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12 CHARLES R. BREYER
13 UNITED STATES DISTRICT JUDGE
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