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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS LYNCH,

No. C10-80039 JSW MISC (JCS)

Plaintiff(s),

**ORDER RE PLAINTIFF'S MOTION FOR
RETURN OF PROPERTY**

v.

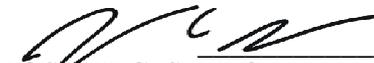
UNITED STATES OF AMERICA,

Defendant(s).
_____ /

The above captioned matter was referred to the undersigned for a report and recommendation on Plaintiff's Motion for Return of Property. *See* Docket No. 3. In the United States' "Non-opposition to Plaintiff's Motion for Return of Property," the United States does not contest Plaintiff's claim that the property is subject to return due to the fact that the United States has not filed a civil forfeiture complaint. In its conclusion, however, the United States requests (without citation to authority) that "the seized assets be returned to the Santa Cruz Superior Court to address the outstanding restitution order against Thomas Lynch in Case no. F17966." United States' Non-Opposition at 3. The Court hereby ORDERS the United States to submit authority for the proposition that this Court has jurisdiction to return property held by the federal government to the Superior Court for the satisfaction of a state restitution order. The United States shall file its legal authority on or before Monday, May 17, 2010, and the Plaintiff shall file a response on or before Wednesday, May 19, 2010 at 4:00 p.m.

IT IS SO ORDERED.

Dated: May 12, 2010



JOSEPH C. SPERO
United States Magistrate Judge