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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
\$109,800 IN UNITED STATES)
CURRENCY,)
Defendant.)
NIN TRAN AND TUNG TRAN,)
Claimants.)

No. 11-CV-1967 EMC

REPORT OF THE UNITED STATES TO THE COURT

On April 22, 2011, the United States filed this civil forfeiture action seeking to forfeit defendant \$109,800 which law enforcement seized during the execution of a search warrant in connection with a drug trafficking investigation. 21 U.S.C. § 881(a)(6). After claimants Nin Tran and Tung Tran filed claims on June 22, 2011, the parties in July 2011 stipulated to a stay of this case until a related state court criminal case is resolved, *People of the State of California v. Luc Tran (7/19/1987), aka Tran Luc Tien, Linh Nhat Tran (10/18/1983), et al.*, DA No. 101127526, filed November 11, 2010 (Superior Court, Santa Clara County, San Jose Facility). The first two named defendants in the state case are the sons of Ninh Tran, a claimant in this case, and nephews of Tung Tran, also a claimant in this case. 18 U.S.C. § 981(g)(1) and (2). The Court entered the parties' stipulation as an order. Stipulation and Order, entered July 12, 2011.

Pursuant to the stipulated stay, the United States is filing this report on the status of the related state criminal case. In short, the conditions on which the stay was obtained are still in effect because the criminal case has not been resolved as to one of the defendant sons of claimant Ninh Tran. Specifically, on July 11, 2012, the undersigned was informed by the state prosecutor, Johnny Gogo, that, on May 22, 2012, Linh Tran plead no contest to a charge of PC 186.22(a) – Participating in a Criminal Street Gang; HS 11379(a) – Offer to Sell MDMA; and HS 11359 – Possession of Marijuana for Sale. The state prosecutor anticipated that Linh Tran would be sentenced to two years and eight months. As of July 11, 2012, however, the state criminal case against Luc Tran had not been resolved and was ongoing. Accordingly, the reason for the stay continues and the United States requests the Court to reschedule the case management conference set for July 20, 2012.

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: July 18, 2012

/s/

PATRICIA J. KENNEY
Assistant United States Attorney

IT IS SO ORDERED THAT the CMC is reset from 7/20/12 to 9/21/12 at 9:00 a.m. A joint CMC Statement shall be filed by 9/14/12.

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