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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
APPROXIMATELY \$73,670 IN UNITED
STATES CURRENCY,
Defendant.

Case No. 13-cv-01799-JCS

**ORDER FOR ADDITIONAL
MATERIALS**

The United States has filed a Motion for Default Judgment (“Motion”) in this action for judicial forfeiture. A hearing on the Motion was held on September 6, 2013. At the hearing, the Court asked the United States to provide additional materials addressing: 1) discrepancies in certain monetary amounts set forth in the Complaint and Motion; and 2) whether the victims identified in the complaint were “potential claimants” who should have been given notice of this action. In addition, the Court asked the United States to submit a copy of the “Notice of Forfeiture Action” listed in the Certificate of Service filed on April 22, 2013 [Docket No. 5].

On September 13, 2013, the United States submitted a supplemental declaration by Assistant United States Attorney Kimberly Hopkins [Docket No. 19] (“Hopkins Supp. Decl.”). Ms. Hopkins addressed some of the discrepancies and explained that the victims submitted Petitions for Remissions, which have been approved, and that the United States “anticipates that the victims will receive the remaining loss amount claimed in their Petitions for Remission once the case is resolved.” Hopkins Supp. Decl. ¶ 8. According to the supplemental declaration, “[t]he victim’s affirmative choice to seek remission indicated their decision not to contest the forfeiture.”

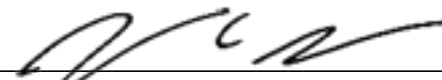
The Court cannot determine, from the information provided, that the victims are not “potential claimant” under the statutory scheme governing judicial forfeitures. Further, the

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United States has not provided a copy of the Notice of Forfeiture Action, as the Court requested at oral argument. The Court therefore requests that the United States provide the following additional materials in support of its Motion: 1) the Notice of Forfeiture Action requested at the September 6, 2013 hearing; 2) a copy of the notice of administrative forfeiture that was sent to the victims, referenced in paragraph 5 of the Hopkins Supp. Decl.; 3) copies of the Petitions for Remission that were filed by the victims, also referenced in paragraph 5 of the Hopkins Supp. Decl.; and 4) a copy of any written decisions or notifications reflecting the approval of the petitions and/or setting forth the procedures and conditions of the payment to the victims. In addition, the United States is requested to provide a supplemental brief, not to exceed five (5) pages, providing legal authority in support of its contention that the actions of the victims in the administrative proceeding excuse the United States from the notice requirements that apply in judicial forfeiture actions. The additional materials requested by the Court shall be filed by **October 11, 2013**.

IT IS SO ORDERED.

Dated: September 24, 2013



JOSEPH C. SPERO
United States Magistrate Judge