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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 APPROXIMATELY \$73,562 IN UNITED
10 STATES CURRENCY,

11 Defendant.

Case No: C 08-2458 SBA

**ORDER DENYING UNITED
STATES' MOTION TO STRIKE
BRISCO'S CLAIM**

[Docket 52]

12 This is an *in rem* action brought by the United States of America (“the Government”) against currency in the amount of \$73,562, which was seized from the residence of Eugene
13 Brisco (“Brisco”) and his wife, Raashida Moore-Brisco (“Moore”), as money furnished or
14 intended to be furnished in exchange for a controlled substance. On January 5, 2010, the
15 Government filed a document styled as “United States Motion to Strike Eugene Brisco’s
16 Claim.” (Docket 52.) This motion was filed in violation of the Civil Local Rules of this Court.
17

18 Civil Local Rule 7-2(b) requires that every motion be accompanied by a notice of
19 motion. Among other things, Rule 7-2(b) requires the first paragraph to include “notice of the
20 motion including date and time of hearing,” and the second paragraph to include “a concise
21 statement of what relief or Court action the movant seeks[.]” The Government’s motion
22 complies with neither of these requirements. As such, Brisco has not received proper notice of
23 the motion. In addition, the Government failed to accompany its motion with a proposed order,
24 as required by Local Rule 7-2(c). Accordingly,

25 IT IS HEREBY ORDERED THAT the United States Motion to Strike Eugene Brisco’s
26 Claim is DENIED. Said denial is without prejudice to the United States renewing such motion
27 in a manner that complies with the Local Rules in all respects. Mr. Brisco is advised that under
28 Local Rule 7-3(a), his opposition to such motion, if renewed, is due at least 21 days prior the

1 hearing date of the motion, and that the failure to timely file a response will be deemed to be a
2 consent to the granting of such motion. This Order terminates Docket 52.

3 IT IS SO ORDERED.

4 Dated: February 5, 2010


5 SAUNDRA BROWN ARMSTRONG
6 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

,562 U.S. CURRENCY et al,

Defendant.

_____ /

Case Number: CV08-02458 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eugene Brisco
1434 South Tuxedo Ave.
Stockton, CA 95204

Raashida J. Moore-Brisco
1434 South Tuxedo Ave.
Stockton, CA 95204

Dated: February 5, 2010

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk