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

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 SETTING BRIEFING
SCHEDULE ON CLAIMANT'S
OBJECTIONS TO MAGISTRATE
JUDGE LAPORTE'S REPORT AND
RECOMMENDATION**

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13 This is an *in rem* action brought by the United States (“the Government”) against
14 currency in the amount of \$73,562, which was seized from the residence of Eugene Brisco as
15 money furnished or intended to be furnished in exchange for a controlled substance. Brisco’s
16 wife, Rashida Brisco-Moore (“Moore”), filed a claim to the currency, though a default was
17 later entered against her. On February 5, 2010, the Court granted Moore’s pro se motion to set
18 aside the default and referred the matter to a Magistrate Judge for a Report and
19 Recommendation (“Report”) regarding the validity of Moore’s claim. On April 28, 2010,
20 Magistrate Judge LaPorte conducted an evidentiary hearing and issued her Report the
21 following day which concluded that Moore “does not have a valid claim to the funds.” Order
22 at 7 (Docket 90). Moore timely filed objections to the Report on May 10, 2010.

23 On April 12, 2010, during the pendency of the referral, Moore filed a “Case
24 Management Conference Request for the Return of Defendant \$73,562.00 in United States
25 Currency.” (Docket 76.) This request appears to be a motion to dismiss based on the
26 contention that the Government’s complaint is untimely. Moore later filed a “reply” on April
27 16, 2010. (Docket 81.) In response, the Government filed an administrative motion in which it
28 points out that the Court must, as a threshold matter, resolve the issue of Moore’s standing

1 prior to seeking dismissal of the action. (Docket 82.) In the event the Court is inclined to
2 proceed with the motion to dismiss, the Government seeks leave to file an opposition to
3 Moore's motion. The Court agrees that the issue of Moore's standing should first be resolved
4 prior to any further proceedings. Accordingly,

5 IT IS HEREBY ORDERED THAT:

6 1. The Government shall file its response to Moore's objections to Magistrate
7 Judge LaPorte's Report by no later than June 8, 2010. Moore's reply shall be filed by no later
8 than June 15, 2010. The hearing on the objections will take place on **July 13, 2010** at 1:00
9 p.m. in Courtroom 1 of the United States District Courthouse, 1301 Clay St., 4th floor,
10 Oakland, California 94612. The Court may, pursuant to Federal Rule of Civil Procedure
11 78(b), resolve the motion without oral argument. The parties are advised to check the Court's
12 website to determine whether an appearance on the matter is required.

13 2. The Case Management Conference scheduled for May 13, 2010 is
14 CONTINUED to **July 13, 2010** and shall immediately follow the hearing on Moore's
15 objections to the Report. The parties shall meet and confer prior to the conference and shall
16 prepare a joint Case Management Conference Statement which shall be filed no later than ten
17 (10) days prior to the Case Management Conference that complies with the Standing Order for
18 All Judges of the Northern District of California and the Standing Order of this Court. The
19 Government shall be responsible for filing the statement as well as for arranging the conference
20 call.

21 3. Moore's Case Management Conference Request for the Return of Defendant
22 \$73,562.00 in United States Currency and the Government's administrative motion are
23 DENIED without prejudice.

24 4. This Order terminates Docket Nos. 76 and 82.

25 IT IS SO ORDERED.

26 Dated: May 12, 2010

27 
28 SAUNDRA BROWN ARMSTRONG
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 May 13, 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: May 13, 2010

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk