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28E-FILED on 10/15/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE:

DESTRUCTION OF FIREARMS AND
AMMUNITION

No. C-09-80136 MISC RMW

ORDER GRANTING MOTION FOR LEAVE
TO FILE A MOTION FOR
RECONSIDERATION**[Re Docket No. 6]**

On July 1, 2009, the United States filed this miscellaneous action seeking an order authorizing the destruction of certain firearms seized from the home of Kevin Dugan ("Dugan") and kept in evidence in connection with his criminal prosecution in *United States v. Kevin V. Dugan*, CR 03-20010 RMW. The court granted the motion authorizing the destruction of firearms on July 10, 2009. On October 9, 2009 the court ordered this miscellaneous civil action related to a pending civil forfeiture action pursuant to Civil L.R. 3-12.


On July 23, 2009, Dugan filed a motion for leave to file a motion for reconsideration of the court's July 10, 2009 order. Good cause appearing therefor, the court:

1. grants Dugan's Motion for Leave to File Motion for Reconsideration of Order Authorizing Destruction of Firearms pursuant to Civil Local Rule 7-9;

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2. orders that the United States delay the destruction of the firearms at issue until the instant motion for reconsideration is fully resolved;
3. concludes that Dugan's Motion for Leave to File Motion for Reconsideration shall constitute its motion for reconsideration;
4. orders that the United States file its opposition to Dugan's motion for reconsideration no later than October 30, 2009;
5. orders that Dugan shall file any reply in support of his motion for reconsideration no later than November 6, 2009;
6. will consider the motion based on the parties filings. No hearing will be scheduled.

DATED: 10/15/09



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

3 David Countryman david.countryman@usdoj.gov
4 Brian Joseph Stretch brian.stretch@usdoj.gov

5 **Counsel for Defendants:**

6 Alyson C Decker adecker@orrick.com

7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9
10 **Dated:** 10/15/09

JAS
Chambers of Judge Whyte

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