

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$30,000.00 IN UNITED STATES
CURRENCY,

Defendant.

Case No. 15-cv-1308-SMY-SCW

ORDER STAYING CASE

In June of 2015, the United States seized \$30,000.00 at a location within the jurisdiction of this Court. The Government seeks an order of forfeiture and alleges the property constitutes money furnished or intended to be furnished by a person in exchange for a controlled substance, or proceeds traceable to such an exchange, or money used to facilitate a violation of 21 U.S.C. § 801 *et seq.*

On January 12, 2016, Zai Z. Zhu (hereinafter, “Claimant”) filed a claim as the rightful and full owner of the property (Doc. 6). However, because he is the subject of a related criminal investigation (criminal case no. 2015-CF-002455 in Madison County, Illinois), Claimant filed a motion to stay this forfeiture action (Doc. 11). Specifically, Claimant requests a continuance of this case in order to preserve his right against self-incrimination in the criminal investigation—a right which may be affected in the answering of discovery in this case. The Government has no objection.

Pursuant to 18 U.S.C. § 981(g)(2), a district court shall stay a civil forfeiture proceeding upon a claimant's motion if the court determines that:

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case. *United States v. Funds in Amount of \$495,744*, 596 F. App'x 494, 497 (7th Cir. 2015); *See also United States v. Funds in the Amount of \$574,840*, 719 F.3d 648, 650 (7th Cir.2013). Claimant Zhu satisfies these conditions.

Accordingly, Claimant's motion is **GRANTED** and this case is **STAYED**.

Further, the Claimant shall keep the Court apprised of the status of Madison County Case No. 2015-CF-002455. A search of the Madison County Circuit Court docket reveals an upcoming court date for Case No. 2015-CF-002455 on April 4, 2016 before Judge Richard Tognarelli. Thus, the Court **DIRECTS** Claimant to file a status report with this Court on or before April 18, 2016.

IT IS SO ORDERED.

DATE: March 14, 2016

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE