

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$1,074,900.00 IN UNITED STATES
CURRENCY,

Defendant.

8:12CV297

ORDER

This matter is before the court on claimant Tara Mishra's Application for an Order Directing the United States Government to Return Money by Way of Wire Transfer or Check to the Trust Account for the Claimant's Attorney, Filing No. [83](#). This is a civil forfeiture proceeding. After a trial to the court, the claimant, Tara Mishra, recovered a judgment against the United States for the return of United States currency in the amount of \$1,074,900, plus interest at the legal rate from and after March 3, 2012. Filing No. [65](#), Findings of Fact and Conclusions of Law; Filing No. [66](#), Judgment.

The court also granted the claimant's motion for attorney fees and litigation costs under [298 U.S.C. § 265\(b\)\(1\)\(A\)](#), in an amount to be later determined by the court. Filing No. [68](#), Order. In response to the motion for fees, the government requested a stay of the attorney fee issue pending an appeal.¹ Filing No. [75](#), Response and Motion to Stay. The government subsequently appealed and later dismissed the appeal. Filing No. [76](#), Notice of Appeal; Filing No. [81](#), Court of Appeals Judgment. The mandate of the Court of Appeals has now issued and this court again has jurisdiction over the case. Filing No. [82](#).

¹ That motion was not ruled upon because the case was appealed shortly thereafter.

The claimant has shown that the government does not object to transferring the funds to satisfy the judgment herein to the trust account of claimant's counsel, rather than to the claimant. See Filing No. [83](#), Application, Attachment 1, Declaration of Roger Jon Diamond. Similarly, the claimant has stipulated to the payment to the trust account. See *id.* at 2. Although attorney fees have been awarded, the amount of the award has not yet been determined. The court will enter judgment for attorney fees in a separate order. Accordingly,

IT IS ORDERED:

1. The United States shall file any response or objection to the claimant's submissions with respect to attorney fees and costs (Filing No. [69](#), Filing No. [70](#), Filing No. [71](#), and Filing No. [72](#)) within 7 days of the date of this order.

2. The claimant shall file any response thereto within 7 days thereafter, at which time the matter will be deemed submitted.

3. Claimant Tara Mishra's Application for an Order Directing the United States Government to Return Money by Way of Wire Transfer or Check to the Trust Account for the Claimant's Attorney, Filing No. [83](#), is granted.

4. The United States is directed to issue payment in satisfaction of the judgment for the funds at issue, \$1,074,900 in United States currency, plus interest at the legal rate from and after March 3, 2012, by way of wire transfer or check for deposit in the client trust account of Roger Jon Diamond, Attorney at Law, at OneWest Bank, Santa Monica, CA.

5. Judgment for attorney fees will be awarded in a separate order.

Dated this 26th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge