

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) 2:09-CV-1647-LRH (LRL)  
 )  
 \$49,205.27 IN UNITED STATES CURRENCY, )  
 )  
 Defendant. )

**UNITED STATES' MOTION TO  
CONTINUE THE DATE TO FILE ITS COMPLAINT FOR  
FORFEITURE *IN REM* IN THE ABOVE-CAPTIONED MATTER  
AND ORDER**

The United States of America ("United States"), by and through Daniel G. Bogden, United States Attorney, and Michael A. Humphreys, Assistant United States Attorney, respectfully apply for an extension of time until and including December 31, 2009, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture *In Rem* against the \$49,205.27 in United States Currency. The Government's Complaint is currently due November 1, 2009.

Gregg Gariti and numerous associates of his have been the focus of an historical state/federal criminal investigation into their activities of alleged unlawful gaming activities in Nevada and elsewhere. Generally speaking, the Government has developed information that Gariti and others

1 were operating an illegal book-making operation from approximately December 2008 through  
2 approximately April 2009, all in violation of 18 U.S.C. § 1084 and other federal anti-gambling  
3 statutes. A principal situs of that illegal operation was Las Vegas, Nevada.

4 Gariti is recently aware of that investigation, and, with his counsel, has been engaged in plea  
5 negotiations with the Government in an endeavor to complete a universal disposition. Those  
6 negotiations continue. In the meantime, the Government has a deadline, under the strictures of 18  
7 U.S.C. § 983(a)(3)(A), to file its forfeiture complaint, regarding the above-captioned currency, no  
8 later than November 1, 2009.

9 The afore-referenced plea negotiations will not be completed by the time the Government  
10 is required to file its complaint. The undersigned believes that the Government and Mr. Gariti are  
11 still in plea negotiations to reach a global plea that would include forfeiture, but have not been able  
12 to contact either defense counsel or the prosecutor in this case to confirm the status of such  
13 negotiations. In any event, by filing this second motion the Government seeks to preserve its right  
14 to file its forfeiture complaint, *in rem* consistent with the guidelines and the deadlines set forth by  
15 CAFRA.

16 The undersigned attempted to contact claimant's counsel, Margaret Standish, to determine  
17 her position on this motion but was unable to contact her before the filing deadline.

18 The Government, herewith, petitions this Court to extend the time for the Government to file  
19 its civil complaint in the above-captioned matter, to facilitate a possible, if not likely, universal plea  
20 disposition.

21 This motion is not submitted solely for the purpose of delay or for any other improper  
22 purpose.

23 ...

24 ...

25 ...

26 ...

