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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.) 2:10-CV-727-PMP (LRL)
13 \$9,088.28 IN UNITED STATES CURRENCY,)
\$2,400.00 IN UNITED STATES CURRENCY,)
\$5,891.45 IN UNITED STATES CURRENCY,)
\$5,884.68 IN UNITED STATES CURRENCY,)
15 and)
\$64,361.89 IN UNITED STATES CURRENCY,)
16 Defendants.)
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18 **THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND**
THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
19 **THE \$9,088.28 IN UNITED STATES CURRENCY, \$2,400.00 IN UNITED STATES**
CURRENCY, \$5,891.45 IN UNITED STATES CURRENCY, \$5,884.68 IN UNITED
20 **STATES CURRENCY; AND \$64,361.89 IN UNITED STATES CURRENCY**
(Third Request)
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22 The United States of America ("United States"), by and through Daniel G. Bogden, United
23 States Attorney for the District of Nevada, and Michael Humphreys, Assistant United States Attorney,
24 and Paul Yavorski ("Yavorski"), by and through his counsel, Sebastian M. Bio, respectfully apply for
25 an extension of time until and including February 22, 2011 pursuant to 18 U.S.C. § 983(a)(3)(A), for
26 the United States to file a Civil Complaint For Forfeiture In Rem against the \$9,088.28 in United

1 States Currency, \$2,400.00 in United States Currency, \$5,891.45 in United States Currency, \$5,884.68
2 in United States Currency, and \$64,361.89 in United States Currency. The Complaint is currently due
3 November 21, 2010.

4 The grounds for this unopposed application are counsel for the United States and counsel for
5 Yavorski have agreed to the extension.

6 This Unopposed Application is based on this Unopposed Application and the attached
7 Memorandum of Points and Authorities.

8 DATED this 10th day of November, 2010.

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/MichaelAHumphreys
12 MICHAEL A. HUMPHREYS
13 Assistant United States Attorney

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Statement Of Facts**

3 On or about April 27, 2009, the Immigration and Customs Enforcement (“ICE”) in Las
4 Vegas, Nevada executed a seizure warrant for all money in Bank of America Checking Account
5 Number XXXX- XXXX- 9650 in the Name of Paul J. Yavorski, 49 Reynolds Avenue, Wippany, New
6 Jersey 07981, Located at 300 South 4th Street, Las Vegas, Nevada 89101.

7 On or about May 19, 2009, the Customs and Border Protection Office of Fines, Penalties &
8 Forfeitures (“FP&F”) mailed notice of seizure certified return receipt requested.

9 On February 23, 2010, FP&F received a claim requesting judicial action from Yavorski.

10 On May 18, 2010, Sebastian M. Bio, Yavorski’s attorney, agreed to the extension of time and
11 authorized counsel for the United States to file this Unopposed Application with this Court.

12 On or about August 21, 2010, Yavorski’s counsel again agreed to the extension of time and
13 authorized counsel for the United States to file this Unopposed Application with this Court.

14 On or about November 10, 2010, Yavorski’s counsel again agreed to the extension of time and
15 authorized counsel for the United States to file this Unopposed Application with this Court.

16 **II. ARGUMENT**

17 This Court should grant this application for an extension of time to file the Civil Complaint
18 For Forfeiture In Rem against the \$9,088.28 in United States Currency, \$2,400.00 in United States
19 Currency, \$5,891.45 in United States Currency, \$5,884.68 in United States Currency, and \$64,361.89
20 in United States Currency under 18 U.S.C. § 983(a)(3)(A), which states:

21 [T]he Government shall file a complaint for forfeiture in the manner
22 set forth in the Supplemental Rules for Certain Admiralty and
23 Maritime Claims . . . , a court in the district in which a complaint will
 be filed may extend the period for filing a complaint for good cause
 shown or *upon agreement of the parties*. (emphasis added)

24 A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil
25 Complaint For Forfeiture In Rem. On or about November 10, 2010, Yavorski’s counsel agreed to the
26 extension of time and authorized counsel for the United States to file this Unopposed Application with

1 this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For
2 Forfeiture In Rem, this Court should extend the time.

3 On May 18, 2010, an application for an extension of time to file the Civil Complaint For
4 Forfeiture In Rem was requested and subsequently granted on May 24, 2010, by United States District
5 Judge Phillip M. Pro.

6 On August 23, 2010, an application for an extension of time to file the Civil Complaint For
7 Forfeiture In Rem was requested and subsequently granted on August 24, 2010, by United States
8 District Judge Phillip M. Pro.

9 The United States now requests an additional 92-day extension of time due to the ongoing
10 investigation. This Unopposed Application is not submitted solely for the purpose of delay or for any
11 other improper purpose.

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II. Conclusion

The United States prays that this Court grant an extension of time until February 22, 2011, 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 \$9,088.28 in United States Currency, \$2,400.00 in United States Currency, \$5,891.45 in United States Currency, \$5,884.68 in United States Currency, and \$64,361.89 in United States Currency because the United States and Yavorski's counsel have agreed to the extension of time.

DATED this 10th day of November, 2010.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/Michael A. Humphreys
MICHAEL A. HUMPHREYS
Assistant United States Attorney

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE
DATED: 11-18-10

PROOF OF SERVICE

2 I, Alexandra M. McWhorter, certify that the following individual was served **THE UNITED**
3 **STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE**
4 **A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$9,088.28 IN UNITED**
5 **STATES CURRENCY; \$2,400.00 IN UNITED STATES CURRENCY; \$5,891.45 IN UNITED**
6 **STATES CURRENCY; \$5,884.68 IN UNITED STATES CURRENCY; AND \$64,361.89 IN**
7 **UNITED STATES CURRENCY (Third Request)** on November 10, 2010, by the below identified
8 method of service:

U.S. Mail

Sebastian M. Bio
331 Central Avenue
Orange, New Jersey 07050
Counsel for Paul Yavorski

/s/AlexandraM.McWhorter
ALEXANDRA M. MCWHORTER
Forfeiture Support Associates, Paralegal