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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)

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Plaintiff,)

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v.)

2:11-CV-647-ECR (GWF)

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\$43,473.41 IN UNITED STATES CURRENCY,)

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Defendant.)

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MOTION FOR AN ORDER TO SEAL THE COMPLAINT FOR FORFEITURE *IN REM* (DOCKET #1), TO REPLACE THE SEALED COMPLAINT (#1) WITH A REDACTED COMPLAINT AND ORDER

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The United States of America (“United States”), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully moves this Court for an Order to seal the Complaint for Forfeiture *in Rem* (#1) and to replace it with a redacted Complaint for Forfeiture *in Rem* in the above-captioned case.

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The basis for sealing the Complaint for Forfeiture *in Rem* (#1) (“Complaint”) and filing a redacted Complaint for Forfeiture *in Rem* is Fed. R. Civ. P. 5.2 authorizes those actions.

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This motion is made and is based on the attached Memorandum of Points and Authorities.

DATED: May 11, 2011.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/DaneilDHollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Fed. R. Civ. P. 5.2 protects social security numbers, taxpayer-identification numbers, birth
3 dates, and financial-account numbers. Fed. R. Civ. P. 5.2(a). The Complaint (#1) uses the above-
4 named numbers to show the crimes and the flow of the criminal proceeds from the crimes to the
5 \$43,473.41 in United States Currency. #1. “The redaction requirement does not apply to . . . a
6 financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture
7 proceeding;” Fed. R. Civ. P. 5.2(b)(1). In order for the United States to fully convey to this Court the
8 facts of this case the United States must include unredacted numbers.

9 Fed. R. Civ. P. 5.2(d) authorizes this Court to seal the Complaint (#1) and to file a redacted
10 Complaint. This Court can order a redacted version for the public record. Fed. R. Civ. P. 5.2(d). The
11 court retains the unredacted complaint as part of the record. Fed. R. Civ. P. 5.2(f). By sealing the
12 Complaint (#1) the sensitive numbers will be protected, but this judicial civil forfeiture in rem action
13 may prosecuted. By filing the attached redacted Complaint, the public will have some knowledge
14 concerning this case, but the sensitive numbers will be protected. The United States will serve the
15 potential claimants the redacted Complaint and file the redacted Complaint with the service of process
16 return.

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CONCLUSION

This Court should seal the Complaint for Forfeiture *in Rem* (#1), replace it with the attached Redacted Complaint for Forfeiture *in Rem*, authorize the service of the redacted Complaint on the potential claimants, and authorize the use of the redacted Complaint for the service of process return.


DATED: May 11, 2011.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/DanielDHollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

IT IS SO ORDERED:


GEORGE FOLEY, JR.
United States Magistrate Judge

DATED: May 12, 2011