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 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
)
 13 Plaintiff,)
)
 14 v.) 2:13-CV-1329-JAD-(VCF)
)
 15 \$32,750.00 IN UNITED STATES CURRENCY,)
)
 16 Defendant.)

17 **UNITED STATES OF AMERICA’S UNOPPOSED MOTION TO STRIKE THE COMPUTER**
 18 **GENERATED DISCOVERY PLAN/SCHEDULING ORDER DUE BY MARCH 13, 2014, FROM**
 19 **THE NOTICE OF ELECTRONIC FILING IN ECF NO. 10**

20 The United States of America (“United States”), by and through Daniel G. Bogden, United States
 21 Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United States Attorney,
 22 respectfully moves this Honorable Court for an Order striking the Computer Generated Discovery
 23 Plan/Scheduling Order due by March 13, 2014, from the Notice Of Electronic Filing in ECF No. 10.
 Answer to Complaint (ECF No. 10) in Forfeiture.

24 The basis is as follows. Fed. R. Civ. P. 16(b) authorizes exemption of Discovery Plan/Scheduling
 25 Order under local rules. A civil forfeiture in rem action is exempt from a Discovery Plan/Scheduling
 26 Order under LR 16-1. “[I]n forfeiture...actions, no discovery plan is required.” LR 16-1.

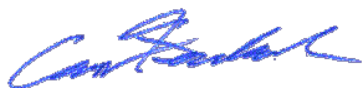
1 On February 5, 2014, the United States contacted John J. Leunig, attorney for FABIAN GARCIA,
2 SR., and FABIAN GARCIA, JR., agrees with and joins in this Motion. This Motion is not submitted
3 solely for the purpose of delay or for any other improper purpose.

4 DATED this 6th day of February, 2014.

5 DANIEL G. BOGDEN
6 United States Attorney

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

10
11 IT IS SO ORDERED:

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14 UNITED STATES ~~DISTRICT~~ JUDGE

15 DATED: 2-14-2014

1 **PROOF OF SERVICE**

2 I, Ray Southwick, Forfeiture Support Associate Paralegal, certify that the following individual
3 was served with a copy of the foregoing Motion on February 6, 2014, by the below identified method of
4 service:

5 Regular Mail:

6 John J. Leunig
7 The Wells Fargo Plaza, Ste. 815
8 7900 Xerxes Ave. S.
9 Bloomington, MN 55431
10 Attorney for Fabian Garcia Sr. and
11 Fabian Garcia Jr.

12 /s/ Ray Southwick
13 RAY SOUTHWICK
14 Forfeiture Support Associates Paralegal
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