

1 DANIEL G. BOGDEN
 United States Attorney
 District of Nevada

3 MICHAEL A. HUMPHREYS
 Assistant United States Attorney
 4 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101
 5 Telephone: 702-388-6336
 Facsimile: 702-388-6787
 6 Email: Michael.humphreys@usdoj.gov

7 *Attorneys for the United States of America.*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,)	
)	
15 Plaintiff,)	
)	
16 v.)	Case No. 2:14-CV-564
)	
17 \$3,734.00 IN UNITED STATES)	
18 CURRENCY,)	
)	
19 Defendant.)	

20 **UNITED STATES' UNOPPOSED MOTION TO EXTEND**
 21 **CAFRA DEADLINE TO FILE CIVIL FORFEITURE COMPLAINT**

22 The United States of America by and through Daniel G. Bogden, United States Attorney for
 23 the District of Nevada and Michael A. Humphreys, Assistant United States Attorney, respectfully
 24 moves this Court to grant a forty-five day continuance, or until May 30, 2014, for the United States
 25 to file its complaint for forfeiture in the above-captioned matter. Currently, the CAFRA deadline for
 26 the United States to file its complaint is April 14, 2014.

1 The reason for the requested extension of time is that the United States is still evaluating the
2 merits of the case and deciding whether it should proceed by way of civil forfeiture proceedings or
3 criminal forfeiture proceedings against the seized assets.

4 On Friday, April 11, 2014, Government counsel spoke by telephone with Osvaldo Fumo,
5 Claimant's counsel, and Attorney Fumo gave his consent for Government counsel to communicate
6 to this Court that he has no objection to the Government's request for a continuance in this matter.

7 This motion is not submitted solely for the purpose to delay or for any other improper
8 purpose.

9 WHEREFORE, the United States moves this Court to grant a forty-five day continuance, or
10 until May 30, 2014, for the United States to file its civil forfeiture complaint and/or incorporate the
11 forfeiture in a criminal charging document.

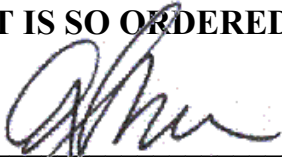
12 DATED this 14th day of April 2014.

13 Respectfully submitted,

14 DANIEL G. BOGDEN
15 United States Attorney

16 /s/Michael A. Humphreys
17 MICHAEL A. HUMPHREYS

18 **IT IS SO ORDERED.**

19 
20 _____
21 Gloria M. Navarro, Chief Judge
22 United States District Court

23 **DATED: 04/16/2014**

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CERTIFICATE OF SERVICE

I, Ray Southwick, Forfeiture Support Associates Paralega, hereby certify that service of the foregoing **UNITED STATES’ UNOPPOSED MOTION TO EXTEND CAFRA DEADLINE TO FILE CIVIL FORFEITURE COMPLAINT** was made by sending a copy of same by first class mail, addressed to Claimant’s counsel, Osvaldo Fumo, on this 14th day of April, 2014:

Osvaldo Fumo
1212 Casino Center Boulevard
Las Vegas, NV 89104

/s/ Ray Southwick
RAY SOUTHWICK
Forfeiture Support Associates Paralegal

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

\$3,734.00 in United States Currency

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Clark
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

United States Attorney's Office, MICHAEL A. HUMPHREYS, AUSA,
333 Las Vegas Blvd. S., Ste. 5000, Las Vegas, NV 89101 702-388-6336

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|------------------------------|------------------------------|--|------------------------------|------------------------------|
| Citizen of This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF |
| Citizen of Another State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Foreign Nation | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1345ff

Brief description of cause:
Asset Forfeiture seeking the forfeiture of the defendant property.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE ANDREW P. GORDON

DOCKET NUMBER 2:13-CR-450-APG-(GWF)

DATE 4-19-14 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____