

FILED
CHARLOTTE, NC

JAN 19 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:10cv500-GCM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
APPROXIMATELY \$564,313.47 IN)
UNITED STATES FUNDS,)
)
Defendant.)

CONSENT ORDER FOR STAY

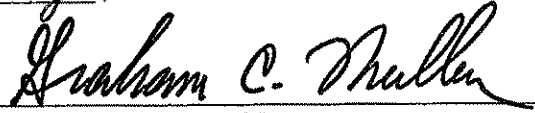
This matter is before the Court on a request by the government and Reginald Martin “claimant”), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

1. The defendant property was seized pursuant to seizure warrants issued on or about May 6, 2010, in No. 3:10mc60.
2. The government filed the complaint herein on October 7, 2010.
3. On October 7, 2010, the Clerk issued a warrant of arrest in rem.
4. On December 7, 2010, within the 120 days permitted by Fed. R. Civ. P. 4(m), the government served a copy of the complaint on claimant.
5. The government has advised claimant’s counsel that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will avoid both interference with the government’s investigation and possible prejudice to claimant’s Fifth Amendment rights.
6. The government and claimants have agreed that a stay should be without prejudice to claimants’ rights to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the

right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.


Signed this the 19th day of January, 2010.



GRAHAM C. MULLEN
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

UNITED STATES OF AMERICA


WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY
NOELL TIN
ATTORNEY FOR CLAIMANTS

January 18, 2011
DATE

1/18/11
DATE