

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In the Matter of:** : **MISCELLANEOUS CASE**

**SEIZURE OF FIFTY-FIVE,  
THOUSAND SEVEN HUNDRED  
AND TEN DOLLARS (\$55,710.00) IN  
UNITED STATES CURRENCY** :  
: **No. 11-MC-**

**MOTION OF UNITED STATES OF AMERICA  
FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT**

The United States of America, by its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania, and Nancy B. Winter, Assistant United States Attorney, pursuant to 18 U.S.C. § 983(a)(3)(A), requests this Court to extend the period of time in which the government may file a civil complaint for forfeiture of the above-listed property until July 14, 2011. In support of the motion, the government avers as follows:

1. On January 10, 2011 agents from the Drug Enforcement Agency (“DEA”) and other law enforcement seized \$55,710 in United States Currency from inside the residence of Michael Ho-Sue and Lisa Pervaiz, at 1066 West Leesport Road, Leesport, Pennsylvania.
2. As required by law, the DEA thereafter sent direct written notice to all persons known to have an interest in the seized currency, including Lisa Pervaiz, regarding its intention to forfeit the seized currency.
3. On March 16, 2011, Lisa Pervaiz filed with the DEA a claim seeking the return of the seized currency.

4. The Civil Asset Forfeiture Reform Act, 18 U.S.C. § 983, et seq. (“CAFRA”), provides that, within 90 days after a claim for the return of property is filed, the government must file a civil complaint for forfeiture of the seized property, as provided under federal law, 18 U.S.C. § 983(a)(3)(A). Also, if the government does not file a civil forfeiture complaint; list the seized property as being subject to forfeiture in a criminal indictment; or take other steps necessary to preserve the seized property within the time prescribed by the statute, the government must release the property and not take any further civil forfeiture action against the property. 18 U.S.C. § 983(a)(3)(B).

5. The government was originally required to file a civil complaint for forfeiture in this case on or before June 14, 2011.

6. By this motion, the government, under 18 U.S.C. § 983(a)(3)(A) requests a brief extension of time, until July 14, 2011, to file a civil complaint for forfeiture in this matter.

7. Cause exists to grant relief in this instance. First, the Berks County District Attorneys Office is pursuing a criminal case against Michael Ho-Sue, one of the parties from whom this money was seized, for conduct relating to drug trafficking. Forfeiture of the \$55,710 in United States Currency may be included in the criminal case against Ho-Sue. Further, the federal government currently is reviewing evidence regarding the seizure, and it needs to review additional information before it can conclude its investigation. The requested extension of time of will enable the government to identify legal and factual issues and fully consider the claim seeking the return of the seized currency. Also, before taking final action, government counsel must obtain supervisory approval of any proposed forfeiture complaint or proposed settlement.

8. Under the circumstances, cause exists to grant the requested extension of time. The requested relief is appropriate and will not unduly prejudice the claimant. This is the government's second request for extension of time in this matter. Also, the requested extension of time is made in good faith and is not intended to unduly delay these proceedings.

WHEREFORE, based on the foregoing, the government requests that this Court grant the motion.

Respectfully submitted,

ZANE DAVID MEMEGER  
United States Attorney

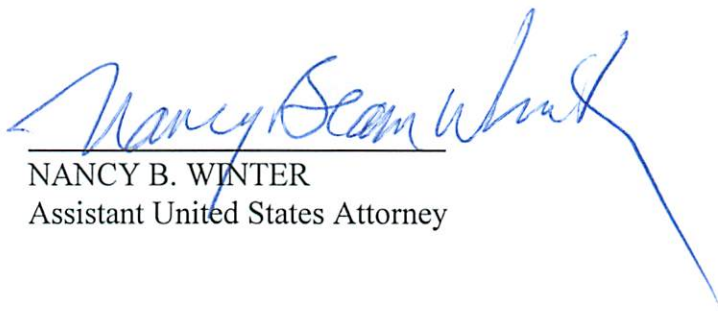
  
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NANCY B. WINTER  
Assistant United States Attorney

Date: , 2011

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that true and correct copies of the MOTION OF UNITED STATES OF AMERICA FOR EXTENSION OF TIME TO FILE FORFEITURE COMPLAINT were served on the following by placing same in the United States mail, postage prepaid, addressed as follows:

Kevin Feeny, Esquire  
Counsel for Claimant  
Feeny & Gurwitz  
500 Court Street  
Reading, PA 19601

  
NANCY B. WINTER  
Assistant United States Attorney

Date: 6-10, 2011

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2011, upon consideration of the government's motion under 18 U.S.C. § 983(a)(3)(A) to extend time to file a complaint for forfeiture of the above-listed property, for cause shown, the motion is GRANTED. The government shall file its complaint in this matter on or before July 14, 2011.

\_\_\_\_\_  
J.  
*Judge, United States District Court*