

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$10,000, MORE OR LESS, IN UNITED
STATES CURRENCY,

Defendant.

CASE NO. C11-1715RAJ

ORDER

On January 12, 2012, the court stayed this action pending resolution of the direct appeal of claimant Michael Mockovak. The court ordered that counsel for the United States was “responsible for notifying this court promptly of the resolution of the state court proceedings or any other developments affecting this stay.” Mr. Mockovak’s direct appeal ended unfavorably in the Washington Supreme Court on November 6, 2013. Counsel for the United States did not inform the court of the termination of the direct appeal for more than three months.

On February 18, 2014, the United States moved to lift the stay. The motion stated no reason for lifting the stay other than the termination of Mr. Mockovak’s direct appeal. Mr. Mockovak responded to the motion by requesting that the stay remain in place pending resolution of his personal restraint petition, which is pending in the Washington Court of Appeal. He asserts that proceeding with this case would burden his Fifth

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1 Amendment right against self-incrimination, which was the reason the parties agreed to
2 stay the case while his direct appeal was pending.

3 The United States filed no reply brief, and the initial brief of its motion does not
4 mention the personal restraint petition. From the silence of the United States, the court
5 assumes that it has no objection to this action remaining stayed pending resolution of the
6 personal restraint petition.

7 Accordingly, the court DENIES the motion of the United States to lift the stay.
8 Dkt. # 10. This action shall remain stayed. The United States remains responsible for
9 notifying this court promptly of the resolution of the state court proceedings or any other
10 developments affecting this stay. If it does not fulfill this responsibility, the court will
11 dismiss this action for failure to prosecute.

12 DATED this 19th day of March, 2014.

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16 The Honorable Richard A. Jones
17 United States District Court Judge
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