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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

SEALED

<p>United States of America,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Daniel Rigmaiden, a.k.a. Steven Travis Brawner, a.k.a. Travis Rupard, and a.k.a. Patrick Stout,</p> <p style="text-align: right;">Defendant.</p>	
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CR 08-814-PHX-DGC

**ORDER TO CONTINUE TO
MAINTAIN CUSTODY OF PROPERTY**

(Under Seal)

The United States requests that this Court authorize it to maintain custody of assets that have been seized with civil seizure warrants during the pendency of a criminal proceeding. U.S.C. §§ 853(e) and (f) delineate methods to authorize the government to maintain custody of the seized property. Section 853(f) authorizes issuing a criminal seizure warrant. However, in cases like this one, where the property in question is already in government custody, it is not appropriate for a court to issue a seizure warrant directing the government to seize property from itself. *See In Re: 2000 White Mercedes*, 220 F. Supp. 2d 1322, 1325 (M.D. Fla. 2001) (stating if property is already in government custody, no Section 853(f) seizure warrant can be issued, as an order under Section 853(e) would be sufficient preserve the property). Section 853(e) authorizes the court to issue a restraining order or an injunction to preserve the property for forfeiture. Further, in response to initial administrative forfeiture notices, defendant has asked that the matter be referred to this criminal action. Defendant's intention regarding the request is unclear with regard to either the Administrative or Civil Forfeiture process. It is in the interest

1 of economy of judicial time to allow the items seized to be included in this matter.


2 Upon motion of the United States and good cause appearing,

3 IT IS ORDERED granting the government's government's Motion for Order to Continue
4 to Maintain Custody of Property Pursuant to 21 U.S.C. § 853(e) until further Order of this Court.
5 The United States may file a Bill of Particulars to identify the items to be addressed in this
6 criminal action and may supplement the list as circumstances require.

7 Excludable delay under 18 U.S.C. § 3161(h) _____ is found to commence on
8 Jan. 8, 2009, for a total of 6 days.

9 DATED this 13 day of January, 2009.

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DAVID G. CAMPBELL
United States District Judge