

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,)	No. 14-10499
)	
Appellee,)	DC# No. CR 11-0288 JST
)	Northern District of
)	California
v.)	Oakland Division
)	
SUSAN XIAO-PING SU,)	
)	
Appellant.)	
_____)	

**APPELLANT'S NOTICE OF WITHDRAWAL OF
MOTION TO STAY FORFEITURE OF
REAL PROPERTY PENDING APPEAL**

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SUSAN XIAO-PING SU

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Appellant Susan Xiao-Ping Su hereby files this Notice of Withdrawal of her motion for an order staying the Preliminary Order of Forfeiture, in light of an agreement now reached between Su and the government regarding the request for a stay.

1. Su is appealing her criminal conviction, after a jury trial, of 12 counts of wire fraud; two counts of mail fraud; one count of conspiracy to commit visa

fraud; four counts of visa fraud; one count of using a false document; one count of making a false statement; two counts of alien harboring; one count of unauthorized access of a government computer; and seven counts of money laundering.

2. Su is currently incarcerated at FCI, Dublin. Her projected release date is August 5, 2028.

3. On November 10, 2011, the government filed a 35-count superseding indictment, charging Su with a scheme to defraud non-immigrant aliens of money and property, specifically tuition and other fees. CR 21.

4. The superseding indictment also contained four forfeiture allegations, seeking the forfeiture of approximately \$5,601,844.72 in cash and property derived from proceeds traceable to the crimes charged in the indictment. CR 21.

5. On March 24, 2014, Su was found guilty after trial of 31 counts in the indictment. CR 118-20.

6. On May 1, 2014, the government filed a motion for a preliminary order of forfeiture. CR 129.

7. On August 29, 2014, Su filed motions pursuant to Fed. R. Crim. P. 29(a) and Fed. R. Crim. P. 33. CR 166, 167. Su also filed a response to the government's request for a preliminary order of forfeiture, which requested that the district court stay the forfeiture proceedings pending a decision on the Rule 29 and 33 motions, and then hold a hearing on the issue. CR 168.

8. On October 24, 2014, the district court issued a preliminary order of forfeiture, rejecting Su's request for a stay. CR 199.

9. On October 30, 2014, the district court sentenced Su to 196 months imprisonment; a 3 year term of supervised release; and a \$3100 penalty assessment. CR 203.

10. On November 3, 2014, Su timely filed an amended notice of appeal, appealing from the judgement and the forfeiture order. CR 205.

11. On December 2, 2014, Su filed a motion with this Court for a stay of the district court's

preliminary order of forfeiture, as it applies to the real property.

12. Following the filing of the motion, Su and the government entered into settlement discussions regarding the request for a stay. On March 6, 2015, the parties reached a tentative agreement, which the parties expect to shortly file in the district court.

CONCLUSION

Accordingly, Su now asks this Court for permission to withdraw the previously filed motion for a stay of forfeiture, without prejudice for re-filing in the event the settlement is not approved in the district court.

March 10, 2015.

Respectfully submitted,

/John J. Jordan
JOHN J. JORDAN
Attorney for Appellant
SUSAN XIAO-PING SU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on March 10, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system:

NOTICE OF WITHDRAWAL OF MOTION TO STAY FORFEITURE

I certify that all participants in the case are registered CM/ECF users and that service on the United States Attorney for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102, the attorney for the respondent, will be accomplished by the CM/ECF system.

Dated: March 10, 2015.

/s/ John J. Jordan
JOHN J. JORDAN