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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. BI XIA NI, and RUI YANG LIN Defendants.	2:08-CR-00481-MCE PRELIMINARY ORDER OF FORFEITURE

Based upon the plea agreements entered into between plaintiff United States of America and defendants Bi Xia Ni and Rui Yang Lin it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to 18 U.S.C. § 982(a)(6), 8 U.S.C. § 1324(b), and 28 U.S.C. § 2461(c), defendants Bi Xia Ni and Rui Yang Lin's interest in the following property shall be condemned and forfeited to the United States of America, to be disposed of according to law:

a) Real property located at 3905 Glacier Court, Vallejo, California, APN: 081-851-390.

2. The above-listed property constitutes property which is

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derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of 8 U.S.C. § 1324a(a)(1)(A)(i); or was used to facilitate, or was intended to be used to facilitate, the commission of 8 U.S.C. § 1324a(a)(1)(A)(i).

3. Pursuant to Rule 32.2(b), the Attorney General (or a designee) shall be authorized to seize the above-listed property. The aforementioned property shall be seized and held by the Department of Homeland Security, Customs and Border Protection, in its secure custody and control.

4. a. Pursuant to 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(n), and Local Rule 83-171, the United States shall publish notice of the order of forfeiture. Notice of this Order and notice of the Attorney General's (or a designee's) intent to dispose of the property in such manner as the Attorney General may direct shall be posted for at least 30 consecutive days on the official internet government forfeiture site www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

b. This notice shall state that any person, other than the defendants, asserting a legal interest in the above-listed property, must file a petition with the Court within sixty (60) days from the first day of publication of the Notice of Forfeiture posted on the official government forfeiture site, or

within thirty (30) days from receipt of direct written notice, whichever is earlier.

5. If a petition is timely filed, upon adjudication of all third-party interests, if any, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 982(a)(6), 8 U.S.C. § 1324(b), and 28 U.S.C. § 2461(c) in which all interests will be addressed.

SO ORDERED.

Dated: December 2, 2008

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE