UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MADY CHAN, et al.,

Defendants.

CASE NO. CR. 96-350 WBS

ORDER RE: MADY CHAN'S MOTION TO SUPPRESS

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Pursuant to this court's Order of February 2, 2006, this matter came on for hearing on March 17, 2006 on defendant Mady Chan's motion to suppress all evidence obtained from the search of his residence. After hearing counsel, the court remains uncertain as to which, if any, of the items seized from Chan's residence pursuant to the search warrant the government intends to offer at trial. The court also fails to understand defendant's arguments (relating to the distinctions between civil and criminal forfeiture) as to why Judge Patel's ruling on the same motion in the Northern District case is not res judicata, or

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alternatively at least, persuasively applicable to this motion.

Therefore, for the reasons stated by Judge Patel in her order in the Northern District case, defendant's motion is DENIED without prejudice. If during trial the government seeks to introduce any of the items seized during the search of Mady Chan's residence, defendant may renew his motion to suppress at that time.

IT IS SO ORDERED.

DATED: March 18, 2006

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE