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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) 2:07-CR-00478-JAM  
 )  
12 Plaintiff, ) PRELIMINARY ORDER OF  
 ) FORFEITURE  
13 v. )  
 )  
14 ISMAEL FALILOU DIAGNE, )  
 )  
15 Defendant. )  
 )  
16 \_\_\_\_\_ )

17 Based upon the plea agreement entered into between plaintiff  
18 United States of America and defendant Ismael Falilou Diagne, it  
19 is hereby ORDERED, ADJUDGED, AND DECREED as follows:

20 1. Pursuant to 18 U.S.C. § 2320(b)(1)(B), defendant Ismael  
21 Falilou Diagne's interest in the following properties shall be  
22 condemned and forfeited to the United States of America, to be  
23 disposed of according to law:

- 24 a) Approximately 19 pairs of Bebe sunglasses;
- 25 b) Approximately 5 pairs of Baby Phat sunglasses;
- 26 c) Approximately 1 pair of Cartier sunglasses;
- 27 d) Approximately 5 pairs of Christian Dior  
28 sunglasses;

- 1 e) Approximately 10 pairs of Louis Vuitton  
2 sunglasses;
- 3 f) Approximately 2 pairs of J Lo sunglasses;
- 4 g) Approximately 24 pairs of Prada sunglasses;
- 5 h) Approximately 2 pairs of Oakley sunglasses;
- 6 i) Approximately 9 pairs of Rayban sunglasses;
- 7 j) Approximately 2 pairs of Versace sunglasses;
- 8 k) Approximately 26 pairs of Dolce & Gabbana  
9 sunglasses;
- 10 l) Approximately 8 pairs of Juicy Couture sunglasses;
- 11 m) Approximately 2 pairs of Sean John sunglasses;
- 12 n) Approximately 68 pairs of Chanel sunglasses;
- 13 o) Approximately 39 pairs of Gucci sunglasses;
- 14 p) Approximately 3 pairs of Armani sunglasses;
- 15 q) Approximately 26 pairs of Coach sunglasses;
- 16 r) Approximately 5 Prada wallets;
- 17 s) Approximately 8 Christian Dior wallets;
- 18 t) Approximately 8 Coach wallets;
- 19 u) Approximately 13 Gucci wallets;
- 20 v) Approximately 20 Coach watches;
- 21 w) Approximately 8 Chanel purses;
- 22 x) Approximately 2 Dooney & Burke purses;
- 23 y) Approximately 2 Hermes purses;
- 24 z) Approximately 2 Juicy Couture purses;
- 25 aa) Approximately 5 Christian Dior purses;
- 26 bb) Approximately 31 Coach purses;
- 27 cc) Approximately 10 Dolce & Gabbana purses;
- 28 dd) Approximately 100 Dolce & Gabbana emblems;
- ee) Approximately 33 Prada purses;

- 1 ff) Approximately 21 Ferragamo purses;
- 2 gg) Approximately 37 Gucci purses;
- 3 hh) Approximately 2 Louie Vuitton purses;
- 4 ii) Approximately 1 Chloe purse; and
- 5 jj) Approximately 1 Fendi purse.

6 2. The above-listed properties were used, in any manner or  
7 part, to commit or to facilitate a commission of a violation 18  
8 U.S.C. § 2320(a). Pursuant to 18 U.S.C. § 2320(b)(3)(B), the  
9 Court shall order that any forfeited article or component of an  
10 article bearing or consisting of a counterfeit mark be destroyed.

11 3. Pursuant to Rule 32.2(b), the Attorney General (or a  
12 designee) shall be authorized to seize the above-described  
13 properties. The aforementioned properties shall be seized and  
14 held by the Department of Homeland Security, United States Secret  
15 Service, in its secure custody and control.

16 4. a. Pursuant to 18 U.S.C. § 2320(b)(3)(B) incorporating  
17 21 U.S.C. § 853(n) and Local Rule 83-171, the United States  
18 forthwith shall publish at least once for three successive weeks  
19 in the Auburn Sentinel (Placer County), a newspaper of general  
20 circulation located in the county in which the above-listed  
21 properties were seized, notice of this Order, notice of the  
22 Attorney General's or Secretary of the Department of Homeland  
23 Security's intent to dispose of the properties in such manner as  
24 the Attorney General or Secretary of the Department of Homeland  
25 Security may direct, and notice that any person, other than the  
26 defendant, having or claiming a legal interest in the above-  
27 listed properties must file a petition with the Court within  
28 thirty (30) days of the final publication of the notice or of

1 receipt of actual notice, whichever is earlier.

2 b. This notice shall state that the petition shall be  
3 for a hearing to adjudicate the validity of the petitioner's  
4 alleged interest in the properties, shall be signed by the  
5 petitioner under penalty of perjury, and shall set forth the  
6 nature and extent of the petitioner's right, title, or interest  
7 in the forfeited properties and any additional facts supporting  
8 the petitioner's claim and the relief sought.

9 c. The United States may also, to the extent  
10 practicable, provide direct written notice to any person known to  
11 have alleged an interest in the properties that are the subject  
12 of the Order of Forfeiture, as a substitute for published notice  
13 as to those persons so notified.

14 5. If a petition is timely filed, upon adjudication of all  
15 third-party interests, if any, this Court will enter a Final  
16 Order of Forfeiture pursuant to 18 U.S.C. § 2320(b)(1)(B), in  
17 which all interests will be addressed.

18 SO ORDERED this 5th day of August, 2008.

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20 /s/ John A. Mendez  
21 HON. JOHN A. MENDEZ  
22 United States District Judge

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