

1 Rollie William Trout
5205 Bear Creek Road
2 Garden Valley, CA 95634

3 Scharlynn Trout
5205 Bear Creek Road
4 Garden Valley, CA 95634

5 Pro Se Claimants
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.

15 REAL PROPERTY LOCATED AT
5205 BEAR CREEK ROAD,
16 GARDEN VALLEY, CALIFORNIA,
EL DORADO COUNTY, APN: 062-
17 420-30, INCLUDING ALL
APPURTENANCES AND
18 IMPROVEMENTS THERETO, and
19 APPROXIMATELY \$37,750 IN U.S.
20 CURRENCY,

21 Defendant.
22

No. CV-S 08-CV-01113-GEB-DAD

APPLICATION FOR APPOINTMENT
OF COUNSEL AND ORDER

22 Claimants Rollie William Trout and Scharlynn Trout, husband and wife, submit this
23 application for appointment of counsel, pursuant to 18 U.S.C. § 983(b)(2)(A), which states
24 as follows:

25 If a person with standing to contest the forfeiture of property in a judicial
26 civil procedure statute is financially unable to obtain representation by
counsel and the property subject to forfeiture is real property that is being
27 used by the person as a primary residence, the court, at the request of the
person, shall insure that the person is represented by an attorney for the Legal
28 Services Corporation with respect to the claim.

1 Here, the Trouts qualify for appointment of counsel under this statute. They have
2 both filed verified statements of interest attesting under oath that they jointly own the real
3 property at issue in this forfeiture action and that they reside on the property. They have
4 also submitted financial affidavits showing that they are financially eligible for
5 appointment of counsel. *Exhibit A*. They have requested that CJA panel attorney John
6 Balazs jointly represent them in this civil forfeiture action and waive any potential conflict
7 that may exist with joint representation. *Exhibit B*. The Legal Services Corporation
8 consents to the appointment of Mr. Balazs in this action under § 983(b)(2)(A). *Exhibit C*.
9 The Trouts thus request that Mr. Balazs be appointed to represent them in this action. A
10 proposed order is attached.

11 Dated: July 28, 2008

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13 /s/ John Balazs
John Balazs

14 Attorney Seeking Appointment for Claimants
15 Rollie William and Scharlynn Trout
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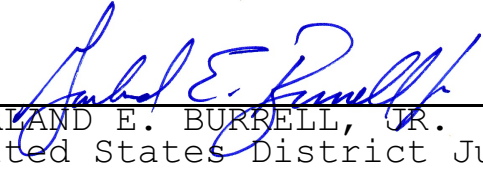
[PROPOSED] ORDER RE
APPOINTMENT OF COUNSEL

22 Upon application of claimants Rollie William Trout and Scharlynn Trout, and
23 finding that under 18 U.S.C. § 983(b)(2)(a), the applicants are financially unable to obtain
24 representation by counsel in this case regarding real property subject to forfeiture that is
25 being used by the applicant as a primary residence, and on consent of the Legal Services
26 Corporation that attorney John Balazs may provide representation to the applicant on its
27 behalf and John Balazs having agreed to do so, IT IS HEREBY ORDERED that, pursuant
28 to 18 U.S.C. § 983, the Legal Services Corporation shall provide counsel to the applicant

1 and that John Balazs shall be such counsel.

2 Furthermore, it is hereby ordered that any judgment for fees and costs for LSC
3 pursuant to 18 U.S.C. § 983(b)(2)(B) shall be awarded to John Balazs or the Legal
4 Services Corporation subject to the submission of appropriate statements of such fees and
5 costs and the consent of the Legal Services Corporation.

6 Dated: July 28, 2008

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GARLAND E. BURRELL, JR.
United States District Judge