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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,) NO. 1:08-mc-00007
12)
Plaintiff,) GOVERNMENT'S RESPONSE TO ROBERT
13)
v.) HOLLOWAY'S MOTION FOR RETURN OF
14)
PROPERTY
15)
ROBERT C. HOLLOWAY and ROAD DOG) Date: May 5, 2008
CYCLE,) Time: 1:30 p.m.
16)
Defendant.) Courtroom: Two
Hon. Anthony W. Ishii

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18 I.

19 INTRODUCTION

20 On February 1, 2008, Central Valley Gang Impact Task Force
21 agents (CVGIT) executed search warrants at Road Dog Cycle, located at
22 4600 Main Street, Denair, California, as well as the residence of
23 Robert C. Holloway (owner of Road Dog Cycle), located at 5604 Moberg
24 Road, Turlock, California.

25 Various items were seized during the execution of the search
26 warrants, and shortly thereafter, discussions began between the
27 attorney for Mr. Holloway (Mr. Roger Vehrs) and government counsel
28

1 over the return of specific items seized during the search warrants.

2 By his motion, counsel for Mr. Holloway has requested the
3 following items that he wishes returned. Those items are:

- 4 (1) A box containing 30 motorcycle pink slips taken from
5 Road Dog Cycle ;
- 6 (2) 30-40 Receipt Books taken from Road Dog Cycle;
- 7 (3) A check for \$7,000 taken from Mr. Holloway's
8 briefcase;
- 9 (4) \$10,000 in cash taken from a safe at Mr. Holloway's
10 residence;
- 11 (5) \$1,700 in cash taken from a metal cash box at Mr.
12 Holloway's residence; and
- 13 (6) \$660 which represented money collected for an upcoming
14 high school reunion.

15 Counsel for Mr. Holloway has subsequently amended and enlarged
16 his request for items to be returned since the filing of his motion.

17 On or about April 11, 2008, counsel for the government received
18 a list of items requested from counsel for Mr. Holloway that did not
19 correspond to the items set forth in his Motion for Return of
20 Property. Those items were:

- 21 (1) Flash drive from Road Dog Cycle's computer;
- 22 (2) Specific pink slips;
- 23 (3) Laptop computer taken from the service area of Road
24 Dog Cycle;
- 25 (4) Purple folder and its contents from Road Dog Cycle
26 service area;
- 27 (5) \$7,000 check seized from Mr. Holloway's briefcase;
- 28 (6) Motorcycle, license #18N3846;

1 (7) Various firearms seized from Road Dog Cycle and Mr.
2 Holloway's residence.

3 Via e-mail correspondence on April 14, 2008, the government
4 informed counsel for Mr. Holloway that it will be returning items (or
5 copies thereof) 1-6 above, however, the government would not be
6 returning the firearms.

7 Since the execution of the search warrants in this case, counsel
8 for the government has been attempting to respond and accommodate
9 counsel's changing requests.

10 II.

11 ARGUMENT

12 As of April 18, 2008, the government and counsel for Mr.
13 Holloway have agreed to the return of the following items:

- 14 (1) Copy of \$7,000 check from Mr. Holloway's briefcase;
15 (2) Copy of a flash drive taken from Road Dog Cycle's
16 computer;
17 (3) Copy of a purple folder and its contents from the Road
18 Dog Cycle service area;
19 (4) A motorcycle, license # 18N3846;
20 (5) \$660 that was designated for an upcoming high school
21 reunion;

22 The government is in the process of verifying the pink slips
23 seized to ensure that they do not correspond to stolen motorcycles or
24 motorcycle parts. The government has been producing the pink slips
25 to Mr. Holloway's counsel as its review is completed.

26 A laptop computer seized from the service area of Road Dog Cycle
27 is in the process of having its hard drive mirror-imaged. Once that
28 process is complete, the laptop will be returned.

1 The United States will be seeking forfeiture of the \$10,000 in
2 cash and the \$1,700 seized from the metal cash box, and thus will not
3 be returning those items.

4 At this time, the government is unaware of any outstanding items
5 relevant to defendant's Motion for Return of Property, and hereby
6 requests that defendant's Motion for Return of Property be denied.

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8 DATED: April 23, 2008

Respectfully submitted,

9 MCGREGOR W. SCOTT
10 United States Attorney

11 By /s/
12 MARK E. CULLERS
13 Assistant U.S. Attorney
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