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

10

11 UNITED STATES OF AMERICA,)	1:09-CV-01305-OWW-SMS
)	
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
)	
13 v.)	
)	
14 2001 PETERBILT 387 TRUCK,)	
CALIFORNIA LICENSE NO. UP50369,)	
)	
15 Defendant.)	
16)	

17 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds as follows:

18 1. This is a civil forfeiture action against defendant 2001 Peterbilt 387 Truck,
 19 California License No. UP50369 (hereafter “defendant vehicle”) seized on January 29, 2009.

20 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on July 24,
 21 2009, alleging that said defendant vehicle is subject to forfeiture to the United States of America
 22 pursuant to 21 U.S.C. § 881(a)(4).

23 3. On July 28, 2009, the Clerk issued a Warrant for Arrest for the defendant vehicle,
 24 which was duly executed on August 5, 2009.

25 4. Beginning on August 3, 2009, for at least 30 consecutive days, the United States
 26 published Notice of the Forfeiture Action on the official internet government forfeiture site
 27 www.forfeiture.gov. A Declaration of Publication was filed on November 17, 2009.

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1 5. In addition to public notice on the official internet government forfeiture site
2 www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:

- 3 a. Mohamed Gass Hersi
- 4 b. Nimo Mohamed Gass Hersi

5 6. Claimants Mohamed Gass Hersi and Nimo Mohamed Gass Hersi filed Claims
6 alleging an interest in the defendant vehicle on September 1, 2009. Claimant Mohamed Gass
7 Hersi filed an Answer to the Complaint on September 21, 2009. No other parties have filed
8 claims or answers in this matter and the time for which any person or entity may file a claim and
9 answer has expired.

10 Based on the above findings, and the files and records of the Court, it is hereby
11 ORDERED AND ADJUDGED:

12 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by
13 and between the parties to this action.

14 2. Judgment is hereby entered against claimants Mohamed Gass Hersi and Nimo
15 Mohamed Gass Hersi, and all other potential claimants who have not filed claims in this action.

16 3. Claimant Mohamed Gass Hersi paid the United States the sum of \$3,261.32 as a
17 substitute *res* in lieu of the defendant vehicle on February 23, 2011. Said \$3,261.32 shall be
18 substituted as the *res* herein, and shall be forfeited to the United States pursuant to 21 U.S.C. §
19 881(a)(4) , to be disposed of according to law. The United States agrees to forego any further
20 action against the defendant vehicle based on the facts alleged in the Complaint.

21 4. Upon entry of this Final Judgment of Forfeiture, but no later than forty-five (45)
22 days thereafter, the defendant 2001 Peterbilt 387 Truck, California License No. UP50369 shall
23 be returned to claimant Mohamed Gass Hersi and/or Nimo Mohamed Gass Hersi through their
24 attorney Mark W. King, 2100 Tulare Street, Suite 410, Fresno, California 93721.

25 5. Plaintiff United States of America and its servants, agents, and employees, and all
26 other public entities, their servants, agents, and employees, are released from any and all liability
27 arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant
28 vehicle or the forfeiture of the \$3,261.32 sub *res*. This is a full and final release applying to all

1 unknown and unanticipated injuries, and/or damages arising out of said seizure, arrest, or
2 forfeiture, as well as to those now known or disclosed. The parties waived the provisions of
3 California Civil Code § 1542.

4 6. All parties are to bear their own costs and attorneys' fees.

5 7. There was reasonable cause for the seizure and arrest of the defendant vehicle, and
6 the commencement and prosecution of this forfeiture action, and the Court may enter a
7 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

8 8. The Court shall maintain jurisdiction to enforce the terms of this Final Judgment
9 of Forfeiture.

10 SO ORDERED THIS 18th day of March, 2011.

11 /s/ OLIVER W. WANGER
12 OLIVER W. WANGER
13 United States District Court Judge

14 CERTIFICATE OF REASONABLE CAUSE

15 Based upon the allegations set forth in the Complaint filed July 24, 2009, and the
16 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of
17 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for seizure and
18 arrest of the defendant vehicle, and for the commencement and prosecution of this forfeiture
19 action.

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21 Dated: March 18, 2011

22 /s/ OLIVER W. WANGER
OLIVER W. WANGER
United States District Court Judge