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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-01583-LJO-SMS
12 Plaintiff,	)	<b>FINAL JUDGMENT OF FORFEITURE</b>
13 v.	)	
14 APPROXIMATELY \$81,915.00 IN U.S.	)	
15 CURRENCY SEIZED FROM US	)	
16 BANCORP INVESTMENTS ACCOUNT	)	
#23475254, HELD IN THE NAME OF	)	
RAYMOND D. MENDOSA, JR.,	)	
17 APPROXIMATELY \$52,924.11 IN U.S.	)	
18 CURRENCY SEIZED FROM GUARANTY	)	
19 BANK ACCOUNT #4440144402, HELD IN	)	
THE NAME OF RAYMOND D.	)	
MENDOSA, SR. AND JOYCE MENDOSA,	)	
20 APPROXIMATELY \$2,725.77 IN U.S.	)	
21 CURRENCY SEIZED FROM US BANK	)	
22 ACCOUNT #153457386065, HELD IN THE	)	
NAME OF RAYMOND D. MENDOSA, JR.,	)	
and	)	
23 APPROXIMATELY \$4,691.00 IN U.S.	)	
CURRENCY,	)	
24 Defendants.	)	
25	)	

26 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:

27 1. This is a civil forfeiture action against defendants approximately \$81,915.00 in U.S.

28 Currency seized on April 15, 2009, from US Bancorp Investments Account #23475254, held in the

1 name of Raymond D. Mendosa, Jr.; approximately \$52,924.11 in U.S. Currency seized on April 13,  
2 2009, from Guaranty Bank Account #4440144402, held in the name of Raymond D. Mendosa, Sr.  
3 and Joyce Mendosa; approximately \$2,725.77 in U.S. Currency seized on April 15, 2009, from US  
4 Bank Account #153457386065, held in the name of Raymond D. Mendosa, Jr.; and, approximately  
5 \$4,691.00 in U.S. Currency (hereafter “defendant funds”).

6 2. A Verified Complaint for Forfeiture *In Rem* was filed on September 4, 2009, seeking  
7 the forfeiture of the defendant funds, alleging the defendant funds are subject to forfeiture to the  
8 United States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant funds constitutes  
9 moneys or other things of value furnished or intended to be furnished in exchange for a controlled  
10 substance or listed chemical, all proceeds traceable to such an exchange and/or were used or intended  
11 to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*

12 3. On June 17, 2010, in accordance with the Complaint, a Warrant for Arrest of Articles  
13 *In Rem* for the defendant funds was issued and duly executed on defendants approximately  
14 \$52,924.11 in U.S. Currency seized on April 13, 2009, from Guaranty Bank Account #4440144402,  
15 held in the name of Raymond D. Mendosa, Sr. and Joyce Mendosa; approximately \$2,725.77 in U.S.  
16 Currency seized on April 15, 2009, from US Bank Account #153457386065, held in the name of  
17 Raymond D. Mendosa, Jr.; and, approximately \$4,691.00 in U.S. Currency on September 22, 2009  
18 and on the defendant approximately \$81,915.00 in U.S. Currency seized on April 15, 2009, from US  
19 Bancorp Investments Account #23475254, held in the name of Raymond D. Mendosa, Jr. on July  
20 7, 2010.

21 4. Beginning on September 24, 2009, for at least 30 consecutive days, the United States  
22 published notice of this action on the official government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov).

23 5. In addition to the publication of the forfeiture action, actual notice was made or  
24 attempted upon Raymond D. Mendosa, Jr., Joyce Mendosa, and Raymond D. Mendosa, Sr. To date,  
25 only Raymond D. Mendosa, Jr., Joyce Mendosa, and Raymond D. Mendosa, Sr. have filed claims  
26 and answers to this action. No other parties have filed claims or answers in this matter, and the time  
27 for which any person or entity may file a claim and answer has expired.

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1           6.       Claimant Raymond D. Mendosa, Jr. represents and warrants that he is the sole owner  
2 of the defendants approximately \$81,915.00 in U.S. Currency seized from US Bancorp Investments  
3 Account #23475254, held in the name of Raymond D. Mendosa, Jr., approximately \$2,725.77 in  
4 U.S. Currency seized from US Bank Account #153457386065, held in the name of Raymond D.  
5 Mendosa, Jr., and approximately \$4,691.00 in U.S. Currency. Claimants Joyce Mendosa and  
6 Raymond D. Mendosa, Sr. represent and warrant that they are the sole owners of the defendant  
7 approximately \$52,924.11 in U.S. Currency seized from Guaranty Bank Account #4440144402, held  
8 in the names of Raymond D. Mendosa, Sr. and Joyce Mendosa.

9           Based on the above findings, and the files and records of the Court, it is hereby

10          ORDERED AND ADJUDGED:

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

13          2.       Judgment is hereby entered against Raymond D. Mendosa, Jr., Joyce Mendosa,  
14 Raymond D. Mendosa, Sr., and all other potential claimants who have not filed claims in this action.

15          3.       Upon entry of a Final Judgment of Forfeiture, \$40,957.50 of the defendant  
16 approximately \$81,915.00 in U.S. Currency seized from US Bancorp Investments Account  
17 #23475254, held in the name of Raymond D. Mendosa, Jr.; \$1,362.89 of the defendant  
18 approximately \$2,725.77 in U.S. Currency seized from US Bank Account #153457386065, held in  
19 the name of Raymond D. Mendosa, Jr.; and, \$2,345.50 of the defendant approximately \$4,691.00  
20 in U.S. Currency, together with any interest that may have accrued on the full \$81,915.00, \$2,725.77,  
21 and \$4,691.00 amounts, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to  
22 be disposed of according to law.

23          4.       Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days  
24 thereafter, \$40,957.50 of the defendant approximately \$81,915.00 in U.S. Currency seized from US  
25 Bancorp Investments Account #23475254, held in the name of Raymond D. Mendosa, Jr.; \$1,362.88  
26 of the defendant approximately \$2,725.77 in U.S. Currency seized from US Bank Account  
27 #153457386065, held in the name of Raymond D. Mendosa, Jr.; and, \$2,345.50 of the defendant  
28 approximately \$4,691.00 in U.S. Currency shall be returned to Claimant Raymond D. Mendosa, Jr.

1 through his attorney Preciliano Martinez at 801 15<sup>th</sup> Street, Suite F, Modesto, CA 95354.

2 5. Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days  
3 thereafter, the defendant approximately \$52,924.11 in U.S. Currency seized from Guaranty Bank  
4 Account #4440144402, held in the names of Raymond D. Mendosa, Sr. and Joyce Mendosa shall  
5 be returned to Claimants Joyce Mendosa and Raymond D. Mendosa, Sr. through their attorney  
6 Preciliano Martinez at 801 15<sup>th</sup> Street, Suite F, Modesto, CA 95354.

7 6. Plaintiff United States of America and its servants, agents, and employees, and all  
8 other public entities, their servants, agents, and employees, are released from any and all liability  
9 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant funds.  
10 This is a full and final release applying to all unknown and unanticipated injuries, and/or damages  
11 arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed. The  
12 parties to this stipulation agree to waive the provisions of California Civil Code § 1542.

13 7. Claimants Raymond D. Mendosa, Jr., Joyce Mendosa, and Raymond D. Mendosa,  
14 Sr. hereby waive any and all claim or right to interest that may have accrued on the defendant funds,  
15 or any portion thereof.

16 8. There was reasonable cause for the seizure and arrest of the defendant funds and that  
17 the Court may enter a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

18 9. All parties will bear their own costs and attorneys' fees.

19  
20 CERTIFICATE OF REASONABLE CAUSE

21 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed September  
22 4, 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this  
23 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for  
24 seizure of the defendant funds.

25 ORDER

26 This Court ENTERS the Judgment and a Certificate of Reasonable Cause on the terms set  
27 forth above.

28 IT IS SO ORDERED.

1 **Dated: December 2, 2010**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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