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

10

11 UNITED STATES OF AMERICA,)	1:10-CV-00573-LJO-GSA
)	
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
)	
13 v.)	
)	
14 2003 CHEVROLET AVALANCHE,)	
VIN: 3GNEC13T63G317832, LICENSE:)	
15 7F73750, and)	
)	
16 APPROXIMATELY \$9,067.00 IN U.S.)	
CURRENCY,)	
)	
17 Defendants.)	
)	

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

20 1. This is a civil forfeiture action against defendants 2003 Chevrolet Avalanche,
 21 VIN: 3GNEC13T63G317832, License: 7F73750 (hereafter “defendant vehicle”) and
 22 approximately \$9,067.00 in U.S. Currency (hereafter “defendant currency”).

23 2. A Verified Complaint for Forfeiture *In Rem* was filed on April 2, 2010, seeking
 24 the forfeiture of the defendant vehicle and defendant currency, alleging the defendant vehicle
 25 constitutes a conveyance used or intended to be used to transport, or in any manner to facilitate
 26 the transportation, sale, receipt, possession, or concealment of a controlled substance in violation
 27 of 21 U.S.C. § 841 *et seq.*, and that the defendant vehicle and defendant currency constitute
 28 moneys or other things of value furnished or intended to be furnished in exchange for a

1 controlled substance or listed chemical, all proceeds traceable to such an exchange and/or were
2 used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*, and are
3 therefore subject to forfeiture pursuant to 21 U.S.C. §§ 881(a)(4) and 881(a)(6).

4 3. On April 2, 2010, in accordance with the Complaint, a Warrant for Arrest of
5 Articles *In Rem* for the defendant vehicle and defendant currency was issued and duly executed
6 on the defendant currency on April 9, 2010 and on the defendant vehicle on April 28, 2010.

7 4. Beginning on April 6, 2010, for at least 30 consecutive days, the United States
8 published notice of this action on the official government forfeiture site www.forfeiture.gov. A
9 Declaration of Publication was filed on May 11, 2010.

10 5. In addition to the publication of the forfeiture action, actual notice was made or
11 attempted upon Leodegario Infante-Cisneros, Idolina Guerra-Infante, and Guadalupe Luna-
12 Acosta. To date, only Leodegario Infante-Cisneros and Idolina Guerra-Infante have filed a claim
13 and answer to this action. No other parties have filed claims or answers in this matter, and the
14 time for which any person or entity may file a claim and answer has expired.

15 6. Claimants Leodegario Infante-Cisneros and Idolina Guerra-Infante represent and
16 warrant that they are the sole owners of the defendant vehicle and defendant currency.

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

18 ORDERED AND ADJUDGED:

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

21 2. Judgment is hereby entered against Leodegario Infante-Cisneros, Idolina Guerra-
22 Infante, and all other potential claimants who have not filed claims in this action.

23 3. Upon entry of a Final Judgment of Forfeiture, \$5,440.20 of the defendant
24 approximately \$9,067.00 in U.S. Currency, together with any interest that may have accrued on
25 the full \$9,067.00 amount, and the defendant 2003 Chevrolet Avalanche, VIN:
26 3GNEC13T63G317832, License: 7F73750, shall be forfeited to the United States pursuant to 21
27 U.S.C. §§ 881(a)(4) and 881(a)(6), to be disposed of according to law.

28 4. Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days

1 thereafter, \$3,626.80 of the defendant approximately \$9,067.00 in U.S. Currency shall be
2 returned to claimants Leodegario Infante-Cisneros and Idolina Guerra-Infante through their
3 attorney Victor M. Perez at 1304 W. Center Street, Visalia, California 93277.

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

11 7. Claimants Leodegario Infante-Cisneros and Idolina Guerra-Infante hereby waive
12 any and all claim or right to interest that may have accrued on the defendant currency, or any
13 portion thereof.

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

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

17 CERTIFICATE OF REASONABLE CAUSE

18 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed April 2,
19 2010, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
20 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause
21 for seizure of the defendant currency and defendant vehicle.

22 ORDER

23 The clerk is directed to close this action.

24 IT IS SO ORDERED.

25 **Dated:** February 28, 2011

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