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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-01936-LJO-SKO
12	Plaintiff,) FINAL JUDGMENT OF FORFEITURE
13	V.	,))
14	APPROXIMATELY \$19,458.63 IN U.S. CURRENCY SEIZED FROM JP	,))
15	MORGAN CHASE BANK ACCOUNT NUMBER 4496753827, HELD IN THE	
16	NAME OF AGUSTIN GAMEZ, and	
17	APPROXIMATELY \$2,375.00 IN U.S. CURRENCY,)
18	Defendants.)
19)
20	Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:	
21	1. This is a civil forfeiture action against defendants approximately \$19,458.63 in U.S.	
22	Currency Seized From JP Morgan Chase Bank Account Number 4496753827 held in the name of	
23	Agustin Gamez, and approximately \$2,375.00 in U.S. Currency (hereafter collectively "defendant	
24	funds").	
25	2. A Verified Complaint for Forfeiture <i>In Rem</i> was filed on October 15, 2010, seeking	
26	the forfeiture of the defendant funds, alleging said funds are subject to forfeiture to the United States	
27	of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant funds constitute moneys or	

28 other things of value furnished or intended to be furnished in exchange for a controlled substance

FINAL JUDGMENT OF FORFEITURE

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or listed chemical, all proceeds traceable to such an exchange and/or was used or intended to be used
 to facilitate one or more violations of 21 U.S.C. § 841 *et seq*.

3. On October 27, 2010, in accordance with said Complaint, a Warrant for Arrest of Articles *In Rem* for the defendant funds was issued and duly executed on November 2, 2010.

4. Public notice of the forfeiture action was published on the official internet government forfeiture site <u>www.forfeiture.gov</u> for at least 30 consecutive days beginning on November 4, 2010, as required by Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.The Declaration of Publication was filed with the Court on December 22, 2010.

10 5. In addition to the publication of the forfeiture action, actual notice was personally
11 served upon Agustin Gamez. To date, no parties have filed claims or answers in this matter, and the
12 time for which any other person or entity may file a claim and answer has expired.

6. Potential Claimant Agustin Gamez represents and warrants that he is the sole ownerof the defendant funds.

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

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ORDERED AND ADJUDGED:

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

Judgment is hereby entered against Agustin Gamez and all other potential claimants
 who have not filed claims in this action.

3. Upon entry of a Final Judgment of Forfeiture, approximately \$2,375.00 in U.S.
 Currency, together with any interest that may have accrued on this amount, shall be forfeited to the
 United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

Within 45 days of entry of a Final Judgment of Forfeiture, approximately \$19,458.63
 in U.S. Currency Seized From JP Morgan Chase Bank Account Number 4496753827 held in the
 name of Agustin Gamez, together with any interest that may have accrued on this amount, shall be
 returned to Potential Claimant Agustin Gamez through his attorney John F. Garland at 1713 Tulare
 Street, Suite 221, Fresno, California 93721.

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

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

7. All parties shall bear their own costs and attorneys' fees.

CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed October 15,
2010, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
the seizure and arrest of the defendant funds.

The clerk is directed to close this action.

IT IS SO ORDERED.

Dated: <u>March 2, 2011</u>

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

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