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7
 8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,) 1:11-CV-01000-AWI-GSA
 12 Plaintiff,)
 13 v.) **AMENDED FINAL JUDGMENT OF**
 14 APPROXIMATELY \$6,822.00 IN U.S.) **FORFEITURE**
 15 CURRENCY,)
 16 Defendant.)

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

18 1. This is a civil forfeiture action against the defendant approximately
 19 \$6,822.00 in U.S. Currency (hereafter “defendant currency”) seized on or about
 20 December 23, 2010.

21 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
 22 June 16, 2011, alleging that said defendant currency is subject to forfeiture to the
 23 United States of America pursuant to 21 U.S.C. § 881(a)(6). An *Amended*^{1/} Verified
 24 Complaint for Forfeiture *In Rem*, (“*Amended Complaint*”) was filed on June 17,
 25 2011, alleging that said defendant currency is subject to forfeiture to the United
 26 States of America pursuant to 21 U.S.C. § 881(a)(6).

27 3. On June 29, 2011, the Clerk issued a Warrant for Arrest for the
 28 defendant currency. The warrant for the defendant currency was duly executed on

^{1/} The *Amended Complaint* was filed solely to correct typographical errors.

1 July 19, 2011.

2 4. Beginning on July 9, 2011, notice of this action was published, for at
3 least 30 consecutive days, on the official internet government forfeiture site
4 www.forfeiture.gov as required by Rule G(4) of the Supplemental Rules for
5 Admiralty or Maritime Claims and Asset Forfeiture Actions.

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

- 9 a. Eduardo Montes Herrera
- 10 b. Jorge Herrera Montes
- 11 c. Daniel A. Bacon, attorney

12 6. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
13 against Jorge Herrera Montes on September 16, 2011. Pursuant to Local Rule 540,
14 the United States and potential claimant Eduardo Montes Herrera joined together
15 in a request that, as part of this Final Judgment of Forfeiture in this case, the
16 Court enter a default judgment against the interest, if any, of Jorge Herrera
17 Montes.

18 7. No parties have filed claims or answers in this matter, and the time in
19 which any person or entity may file a claim and answer has expired.

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

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

24 2. That judgment is hereby entered against potential claimants Eduardo
25 Montes Herrera, Jorge Herrera Montes, and all other potential claimants who have
26 not filed claims in this action.

27 3. Upon entry of this Amended Final Judgment of Forfeiture, \$5,422.00
28 of the defendant approximately \$6,822.00 in U.S. Currency, together with any

1 interest that has accrued on the entire \$6,822.00, shall be forfeited to the United
2 States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

3 4. Upon entry of this Amended Final Judgment of Forfeiture, but no later
4 than 45 days thereafter, \$1,400.00 of the defendant approximately \$6,822.00 in
5 U.S. Currency shall be returned to potential claimant Eduardo Montes Herrera
6 through his attorney Daniel A. Bacon, 5200 North Palm Avenue, Suite 408, Fresno,
7 California 93704-2225, (559) 241-7000.

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

15 6. That pursuant to the stipulation of the parties, and the allegations set
16 for the *Amended* Complaint filed on June 17, 2011, the Court finds that there was
17 reasonable cause for arrest and seizure of the defendant currency, and for the
18 commencement and prosecution of this forfeiture action, and a Certificate of
19 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

20 7. All parties are to bear their own costs and attorneys fees.

21 8. The U.S. District Court for the Eastern District of California, Hon.
22 Anthony W. Ishii, Chief District Judge, shall retain jurisdiction to enforce the terms
23 of this Amended Final Judgment of Forfeiture.

24 IT IS SO ORDERED.

25 Dated: January 24, 2012

26 
27 CHIEF UNITED STATES DISTRICT JUDGE
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