

1 BENJAMIN B. WAGNER
 United States Attorney
 2 KEVIN C. KHASIGIAN
 Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916)554-2700
 5 Attorneys for the United States

6
 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
 11 UNITED STATES OF AMERICA,) 2:08-CV-02173-LKK-DAD
)
 12 Plaintiff,) FINAL JUDGMENT OF FORFEITURE
)
 13 v.)
)
 14 APPROXIMATELY \$18,964.81 IN U.S.)
 CURRENCY SEIZED FROM WASHINGTON)
 15 MUTUAL BANK ACCOUNT 387-435366-3,)
)
 16 APPROXIMATELY \$38,222.37 IN U.S.)
 CURRENCY SEIZED FROM WACHOVIA BANK)
 17 ACCOUNT 1007139898952,)
)
 18 APPROXIMATELY \$450,100.00 IN U.S.)
 CURRENCY SEIZED FROM WASHINGTON)
 19 MUTUAL BANK SAFE DEPOSIT BOX 538,)
 AND)
 20)
 APPROXIMATELY \$105,000.00 IN U.S.)
 21 CURRENCY SEIZED FROM WACHOVIA BANK)
 SAFE DEPOSIT BOX 674,)
 22)
 Defendants.)
 23)

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

26 1. This is a civil forfeiture action against Approximately
 27 \$18,964.81 in U.S. Currency seized from Washington Mutual Bank
 28 Account 387-435366-3; Approximately \$38,222.37 in U.S. Currency

1 seized from Wachovia Bank Account 1007139898952; Approximately
2 \$450,100.00 in U.S. Currency seized from Washington Mutual Bank
3 Safe Deposit Box 538; and Approximately \$105,000.00 in U.S.
4 Currency seized from Wachovia Bank Safe Deposit Box 674 (hereafter
5 the "defendant currency") seized on or about April 24 and May 29,
6 2008, by the Internal Revenue Service, Criminal Investigation.

7 2. A Verified Complaint for Forfeiture In Rem ("complaint")
8 was filed on September 15, 2008, alleging that said defendant
9 currency is subject to forfeiture to the United States of America
10 pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), and 21 U.S.C.
11 § 881(a)(6).

12 3. On or about September 16, 2008, the Clerk issued a
13 Warrant for Arrest of Articles In Rem for the defendant currency,
14 and that warrant was duly executed on September 19, 2008.

15 4. On September 19, 2008, the Internal Revenue Service
16 personally served copies of the complaint, application and order
17 for publication, warrant for arrest, order setting status
18 conference, notice of availability of voluntary dispute resolution,
19 notice of availability of magistrate judge, and notice of
20 forfeiture action on Miguel Vasquez, Jr. (hereafter "Vasquez").

21 5. Beginning on September 26, 2008, for at least 30
22 consecutive days, the United States published Notice of the
23 Forfeiture Action on the official internet government forfeiture
24 site www.forfeiture.gov. A Declaration of Publication was filed on
25 October 29, 2008.

26 6. Vasquez filed a Claim of Ownership of Property alleging
27 that he is the legal owner of the defendant currency, and filed an
28 Answer to the complaint. No other parties have filed claims or

1 answers in this matter, and the time for which any person or entity
2 may file a claim and answer has expired.

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

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

7 2. That judgment is hereby entered against claimant Vasquez
8 and all other potential claimants who have not filed claims in this
9 action.

10 3. All right, title and interest of Vasquez in the
11 defendant currency shall be forfeited to the United States pursuant
12 to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), and 21 U.S.C. §
13 881(a)(6).

14 4. Plaintiff United States of America and its servants,
15 agents, and employees and all other public entities, their
16 servants, agents, and employees, are released from any and all
17 liability arising out of or in any way connected with the arrest,
18 seizure, or forfeiture of the defendant currency. This is a full
19 and final release applying to all unknown and unanticipated
20 injuries, and/or damages arising out of said arrest, seizure, or
21 forfeiture, as well as to those now known or disclosed. The
22 parties waived the provisions of California Civil Code § 1542.

23 5. That pursuant to the stipulation of the parties, and the
24 allegations set forth in the Complaint filed on September 15, 2008,
25 the Court finds that there was reasonable cause for the seizure and
26 arrest of the defendant currency, and a Certificate of Reasonable
27 Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

28 6. All parties are to bear their own costs and

1 attorneys' fees, if any.

2 7. The Court shall maintain jurisdiction to enforce the
3 terms of this Final Judgment of Forfeiture.

4 SO ORDERED THIS 17th day of June, 2011.

5

6

7

8



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

9

CERTIFICATE OF REASONABLE CAUSE

10 Based upon the allegations set forth in the Complaint filed
11 September 15, 2008, and the Stipulation for Final Judgment of
12 Forfeiture filed herein, the Court enters this Certificate of
13 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
14 reasonable cause for the seizure or arrest of the defendant
15 currency.

16 DATED: June 17, 2011.

17

18

19

20

21

22

23

24

25

26

27

28



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT