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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11 UNITED STATES OF AMERICA,)	2:09-CV-01119-WBS-KJM
)	
12 Plaintiff,)	FINAL JUDGMENT OF
)	FORFEITURE
13 v.)	
)	
14 APPROXIMATELY \$290,502.12 IN U.S.)	
CURRENCY SEIZED FROM BANK OF)	
15 AMERICA ACCOUNT NUMBER 695109651,)	
HELD IN THE NAME OF ANDREY MALKO)	
16 AND GABRIEL TRAVEL LLC, and)	
)	
17 APPROXIMATELY \$4,178.59 IN U.S.)	
CURRENCY SEIZED FROM BANK OF)	
18 AMERICA ACCOUNT NUMBER 695109651,)	
HELD IN THE NAME OF ANDREY MALKO)	
19 AND GABRIEL TRAVEL LLC,)	
)	
20 Defendants.)	
)	

21
 22 Pursuant to the Stipulation for Final Judgment of
 23 Forfeiture, the Court finds as follows:

24 1. This is a civil forfeiture action against Approximately
 25 \$290,502.12 in U.S. Currency seized from Bank of America Account
 26 Number 695109651, held in the name of Andrey Malko and Gabriel
 27 Travel LLC, and Approximately \$4,178.59 in U.S. Currency seized
 28 from Bank of America Account Number 695109651, held in the name

1 of Andrey Malko and Gabriel Travel LLC, (hereafter "the defendant
2 funds") seized on or about December 16, 2008, in Sacramento,
3 California, by the Department of the Treasury, Internal Revenue
4 Service.

5 2. A Complaint for Forfeiture In Rem (hereafter
6 "Complaint") was filed on April 23, 2009, seeking the forfeiture
7 of the defendant funds, alleging that said funds are subject to
8 forfeiture to the United States pursuant to 18 U.S.C. § 984 and
9 31 U.S.C. § 5317(c)(2).

10 3. On or about April 23, 2009, the Clerk issued a Warrant
11 for Arrest In Rem for the defendant funds, and that warrant was
12 duly executed on April 24, 2009.

13 4. On or about April 24, 2009, copies of the Complaint,
14 Application and Order for Publication, Warrant for Arrest In Rem,
15 and court notices were served on Donald H. Heller, attorney for
16 claimant Andrey Malko. Mr. Heller agreed to accept service on
17 behalf of claimant.

18 5. Beginning on April 29, 2009, for at least 30 consecutive
19 days, the United States published Notice of the Forfeiture Action
20 on the official internet government forfeiture site
21 www.forfeiture.gov. A Declaration of Publication was filed on
22 June 12, 2009.

23 6. Claimant Andrey Malko filed a Claim to the defendant
24 funds on May 19, 2009, and a Verified Answer to the Complaint on
25 July 1, 2009. No other parties have filed claims or answers in
26 this matter, and the time for which any person or entity may file
27 a claim and answer has expired.

28 7. Claimant Andrey Malko is the sole owner of the defendant

1 funds.

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

4 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
7 action.

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

11 3. Upon entry of this Final Judgment of Forfeiture,
12 \$145,251.06 of the \$290,502.12 in U.S. Currency seized from Bank
13 of America Account Number 695109651, and \$2,089.29 of the
14 \$4,178.59 in U.S. Currency seized from Bank of America Account
15 Number 695109651, together with any interest that may have
16 accrued on those amounts, shall be forfeited to the United States
17 pursuant to 18 U.S.C. § 984 and 31 U.S.C. § 5317(c)(2), to be
18 disposed of according to law.

19 4. Upon entry of this Final Judgment of Forfeiture, but no
20 later than 60 days thereafter, \$145,251.06 of the \$290,502.12 in
21 U.S. Currency seized from Bank of America Account Number
22 695109651, and \$2,089.30 of the \$4,178.59 in U.S. Currency seized
23 from Bank of America Account Number 695109651, together with any
24 interest that may have accrued on those amounts, shall be
25 returned by the Department of the Treasury, Internal Revenue
26 Service to claimant Andrey Malko through his attorney Donald H.
27 Heller.

28 5. That plaintiff United States of America and its

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

9 6. Claimant Andrey Malko waives any and all claim or right
10 to interest that may have accrued on the defendant funds being
11 forfeited to the United States.

12 7. That pursuant to the stipulation of the parties, and the
13 allegations set forth in the Complaint filed on or about April
14 23, 2009, the Court finds that there was reasonable cause for the
15 seizure and arrest of the defendant funds, and a Certificate of
16 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered
17 accordingly.

18 8. That all parties are to bear their own costs and
19 attorney fees, if any.

20 SO ORDERED THIS 19th day of January, 2010.

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22 WILLIAM B. SHUBB
23 UNITED STATES DISTRICT JUDGE

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