

1 BENJAMIN B. WAGNER
 United States Attorney
 2 LYNN TRINKA ERNCE
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2720
 5 Attorneys for United States

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

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.

Case No. 2:10-cv-02828 JAM DAD
**ORDER GRANTING UNITED STATES OF
 AMERICA'S MOTION FOR SUMMARY
 JUDGMENT**

14 APPROXIMATELY \$50,000 IN U.S.
 15 CURRENCY,
 16 Defendant.

17 This is an action by plaintiff United States of America for the
 18 forfeiture of defendant \$50,000 in U.S. Currency. On December 1,
 19 2010, claimant Nicholas Robert Woody filed a claim to the \$50,000 and
 20 an answer to the United States' civil forfeiture complaint. Docket
 21 8. On April 14, 2011, the United States filed a summary judgment
 22 motion. Docket 15. The United States argues that: (1) Woody's claim
 23 and answer should be stricken because Woody lacks standing to contest
 24 forfeiture and because he did not respond to the United States'
 25 special interrogatories; and (2) the defendant \$50,000 is forfeitable
 26 pursuant to 21 U.S.C. § 881(a)(6) because it constitutes moneys
 27 furnished or intended to be furnished in exchange for controlled
 28 substances and/or proceeds traceable to such exchange. Docket 15.

1 Claimant has not responded to the summary judgment motion and the
2 Court took the motion under submission without oral argument.

3 Based on the argument and undisputed evidence submitted by the
4 United States in support of the motion, and good cause appearing, the
5 Court hereby GRANTS the United States' motion in its entirety.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Nicholas Robert Woody's claim and answer shall be stricken
8 from the record because Woody lacks Article III standing. Woody has
9 not come forward with any actual evidence to establish that he has a
10 legitimate interest in the defendant \$50,000.

11 2. Woody's claim and answer shall be stricken from the record
12 pursuant to Rule G(8)(c) of the Supplemental Rules for Admiralty or
13 Maritime Claims and Asset Forfeiture Actions because Woody did not
14 respond to the United States' special interrogatories served pursuant
15 to Supplemental Rule G(6); and

16 3. Based on the aggregate of undisputed evidence, the United
17 States has met its burden of proving that the \$50,000 is forfeitable
18 pursuant to 21 U.S.C. § 881(a)(6).

19 4. Judgment will be entered in favor of the United States
20 against the defendant \$50,000. The United States shall submit an
21 appropriate form of final judgment of forfeiture within 5 court days
22 of the date of entry of this order.

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24 DATED: June 9, 2011 _____ /s/ John A. Mendez _____
25 JOHN A. MENDEZ
26 United States District Judge
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