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 5 Attorneys for Plaintiff  
 United States of America  
 6

7 UNITED STATES DISTRICT COURT  
 8 FOR THE DISTRICT OF NEVADA

9	UNITED STATES OF AMERICA,	)	
		)	
10	Plaintiff,	)	
		)	
11	v.	)	2: 11-CV-162-GMN-(LRL)
		)	
12	\$158,000.00 IN UNITED STATES	)	
	CURRENCY,	)	
13		)	
	Defendant.	)	
14		)	
15		)	

16 **UNITED STATES' MOTION TO WITHDRAW REQUEST FOR ENTRY OF**  
 17 **DEFAULT AND TO REPLACE WITH AMENDED REQUEST AND ORDER**

18 The United States of America, by and through Daniel G. Bogden, United States Attorney  
 19 for the District of Nevada, and Michael A. Humphreys, Assistant United States Attorney,  
 20 respectfully moves this Court to grant the United States Motion to Withdraw its filed Request for  
 21 Entry of Judgement (#8) in the above-captioned matter; and to replace it with an Amended  
 22 Request For Entry of Default.

23 For its grounds, the United States represents as follows: On January 31, 2011, the United  
 24 States filed its forfeiture complaint, *in rem* in the above-captioned case against the defendant  
 25 currency. Pursuant to this Court's order for Summons and Warrant of Arrest *In Rem* For the  
 26 Property and Notice (# 4) the United States properly served the defendant with notice. The

1 United States also completed public notice of the forfeiture action in “www.Forfeiture.Gov.”  
2 (#6). In addition, the Government undertook to personally serve all known parties who might  
3 have an interest in this action. Specifically, the United States personally served Steven Kall, the  
4 person from whom the money was seized.

5 Neither Steven Kall, nor any other person, has filed a claim and/or answer in this matter  
6 within the required time period. It was on that basis that the United States made its Request For  
7 Entry Of Default (#8).

8 In the meantime, the United States has determined that there may be one other person  
9 identified as “Annie K. Adams,” who may have an interest in the defendant-property. And  
10 although “Annie K. Adams” was served through the method of general public notice (via  
11 www.Forfeiture.Gov referenced above) she was not personally served. The United States cannot  
12 certify that it has *personally* served all known, interested parties until it attempts to serve Annie  
13 K. Adams with notice of this action.

14 As such, the Government moves this Court to withdraw its current Request For Entry Of  
15 Default in this case and to replace it with an Amended Request For Entry of Default, (attached to  
16 this motion as Exhibits 1 through 3, and incorporated herein by reference) wherein the  
17 Government seeks the default of all persons, known and unknown, except for Annie K. Adams,  
18 who the Government is actively seeking to locate and serve with personal notice.

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**EXHIBIT 1**

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 Nevada Bar No. 2137  
 2 MICHAEL A. HUMPHREYS  
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 Counsel for the United States of America  
 6  
 7

8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )  
 10 )  
 Plaintiff, )  
 11 )  
 v. ) 2:11-CV-0162-GMN (LRL)  
 12 )  
 \$158,000.00 IN UNITED STATES )  
 13 CURRENCY, )  
 14 )  
 Defendant. )

15 **AMENDED REQUEST FOR ENTRY OF DEFAULT**

16 TO: CLERK OF COURT

17 The United States of America hereby requests that you enter a default under Fed. R. Civ. P.  
 18 55(a) as to the defendant property, Steven Richard Kall, and all other persons or entities who claim  
 19 an interest in the defendant property in the above-entitled action, excluding Annie K. Adams who has  
 20 yet to be located to be personally served, for failure to file a claim, answer, or otherwise defend as  
 21 provided for in 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).  
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This request is supported by the attached Declaration in Support of Request for Entry of Default.

DATED this 25th day of August, 2011.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/Michael A. Humphreys  
MICHAEL A. HUMPHREYS  
Assistant United States Attorney

**EXHIBIT 2**

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 Counsel for the United States of America  
 6  
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8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )  
 10 )  
 Plaintiff, )  
 11 )  
 v. ) 2:11-CV-0162-GMN (LRL)  
 12 )  
 \$158,000.00 IN UNITED STATES )  
 13 CURRENCY, )  
 14 Defendant. )

15 **AMENDED DECLARATION IN SUPPORT**  
**OF REQUEST FOR ENTRY OF DEFAULT**

- 16
- 17 1. I am an Assistant United States Attorney and represent the United States of America.
  - 18 2. The United States filed a verified Complaint for Forfeiture in Rem on January 31,  
 19 2011. Docket #1. The Complaint alleges the defendant property:
    - 20 a. was furnished or was intended to be furnished in exchange for controlled  
 21 substances in violation of Title II of the Controlled Substances Act, 21 United  
 22 States Code, Section 801, et seq., and is subject to forfeiture to the United  
 23 States pursuant to 21 United States Code, Section 881(a)(6);
    - 24 b. is proceeds traceable to exchanges of controlled substances in violation of Title  
 25 II of the Controlled Substances Act, 21 United States Code, Section 801, et  
 26 seq., and is subject to forfeiture to the United States pursuant to 21 United  
 States Code, Section 881(a)(6); and



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c. was used or was intended to be used to facilitate violations of Title II of the Controlled Substances Act, 21 United States Code, Section 801, et seq., and is subject to forfeiture to the United States pursuant to 21 United States Code, Section 881(a)(6).

3. On February 4, 2011, the Court entered an Order for Summons and Warrant of Arrest in Rem for the Property and Notice and issued the Summons and Warrant of Arrest in Rem. #4, #5.

4. From February 9, 2011, through to March 10, 2011, Public notice of the forfeiture action and arrest was given to all persons and entities by publication on the official government website [www.forfeiture.gov](http://www.forfeiture.gov). #6, p. 2-4.

5. On July 13, 2011, the United States Department of Justice, Asset Forfeiture Unit, caused to be served upon Steven Richard Kall, CDCR #AH0401/California Correctional Center (CCC), the Complaint, the Order, the Summons and Warrant of Arrest in Rem for the Property, and Notice by personal service. #7, 19-35.

6. On August 3, 2011, the United States Department of Justice, Asset Forfeiture Unit, caused to be served upon the defendant property, the Complaint, the Order, the Summons and Warrant of Arrest in Rem for the Property, and the Notice. #7, 2-18.

7. No other person or entity has filed a claim, answer, or responsive pleading within the time permitted by 18 United States Code, Section 983(a)(4); and Fed. R. Civ. P. Supp. Rule G(4) and (5).

8. Steven Richard Kall is not in the military service within the purview of the Servicemen's Civil Relief Act of 2003. *See Exhibit 1.*

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9. Declarant knows of no reason why a default against the defendant property, Steven Richard Kall, and all other persons or entities who may claim an interest in the defendant property in the above-entitled action excluding Annie K. Adams who has yet to be located to be personally served should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of August, 2011.

/s/Michael A. Humphreys  
MICHAEL A. HUMPHREYS  
Assistant United States Attorney

**EXHIBIT 1**

Department of Defense Manpower Data Center

Aug-10-2011 14:22:35



Military Status Report  
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
KALL	STEVEN RICHARD	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:MEIERK8QOK

**EXHIBIT 3**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, )  
5 v. ) 2:11-CV-0162-GMN (LRL)  
6 \$158,000.00 IN UNITED STATES )  
7 CURRENCY, )  
8 Defendant. )

8 AMENDED DEFAULT

9 It appearing from the records in the above-entitled action that an Order for Summons and  
10 Warrant of Arrest in Rem for the Property and Notice issued on the original Verified Complaint filed  
11 on January 31, 2011, has been regularly served upon the defendant and potential claimants  
12 hereinafter named; and it appearing from the affidavit of counsel for Plaintiff and the records herein  
13 that each of the potential claimants and said defendant have failed to plead or otherwise defend in  
14 said action as required by said Order for Summons and Warrant of Arrest in Rem for the Property  
15 and Notice as provided by the Federal Rules of Civil Procedure,

16 NOW, THEREFORE, on request of counsel for Plaintiff, the DEFAULT, as aforesaid, of  
17 each of the following is hereby entered: (1) \$158,000.00 in United States Currency; (2) Steven  
18 Richard Kall; (3) all other persons and entities having an interest in the defendant property; and (4)  
19 excluding Annie K. Adams who has yet to be located to be personally served.

20 DATED: \_\_\_\_\_

LANCE S. WILSON, CLERK

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22 By: \_\_\_\_\_  
23 Deputy Clerk

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