

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 12, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$10,850.00 U.S. CURRENCY, 2013  
MERCEDES MODEL C COUPE,

Defendants.

No. 1:22-cv-3186-EFS

**FINAL ORDER OF FORFEITURE**  
**ORDER GRANTING THE UNITED STATES' MOTION FOR DEFAULT JUDGMENT**

This is a civil action *in rem* to forfeit to the United States \$10,850.00 in U.S. currency and a 2013 Mercedes Model C Coupe (hereinafter collectively referred to as the "Subject Property"). The United States seeks a final order of forfeiture as to the Subject Property. For the reasons that follow, the Court grants the United States' request.

**A. Background**

The Subject Property came to the attention of the United States when it was seized from a residence during an execution of a search warrant. Specifically, the Subject Property was seized from Defendant Oscar Cervantes' residence as property constituting or derived from proceeds traceable to violations of 21 U.S.C. § 841 and/or as property used or intended to be used to facilitate violations of 21 U.S.C. § 841. Oscar Cervantes is the son of Alicia Ruiz Cervantes and the brother

1 of Ernesto Cervantes, and he lived with these individuals along with Amanda  
2 Riojas at the searched property.

3       Upon the filing of this civil forfeiture action, copies of the Verified Complaint  
4 were mailed both regular U.S. mail and U.S. certified mail to Alicia, Oscar, and  
5 Ernesto Cervantes, and Ms. Riojas.<sup>1</sup> On December 8, 2022, the U.S. Marshals  
6 Service executed the Warrant of Arrest In Rem.<sup>2</sup> On December 9, 2022, through  
7 January 7, 2023, notice of forfeiture was posted on an official government website,  
8 [www.forfeiture.gov](http://www.forfeiture.gov).<sup>3</sup> On December 12, 2022, the potential claimants—Alicia,  
9 Oscar, and Ernesto Cervantes and Ms. Riojas—were provided notice of this civil  
10 forfeiture action.<sup>4</sup> No response to the Verified Complaint was filed. Therefore, the  
11 United States sought entry of default against Ms. Cervantes, Ms. Riojas, and  
12 Ernesto Cervantes.<sup>5</sup> On April 27, 2023, Clerk’s Orders of Default were entered  
13 against these three individuals.<sup>6</sup>

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17 <sup>1</sup> ECF No. 1.

18 <sup>2</sup> ECF No. 5.

19 <sup>3</sup> ECF No. 7.

20 <sup>4</sup> ECF No. 6.

21 <sup>5</sup> ECF Nos. 8–10.

22 <sup>6</sup> ECF Nos. 11–13.

1 As to Oscar Cervantes, a criminal case was brought against him.<sup>7</sup> In his  
2 criminal plea agreement, Oscar Cervantes agreed to the entry of an order of  
3 forfeiture in this civil case and waived further notice of the civil forfeiture  
4 proceedings and agreed to comply with all requests to pass clear title of the Subject  
5 Property to the United States.<sup>8</sup>

6 No timely claims to the Subject Property have been received or filed with the  
7 Court, and the deadline for filing timely claims has passed.

8 **B. Analysis**

9 The United States now asks the Court to grant its Motion for Default  
10 Judgment as to Ms. Cervantes, Ms. Riojas, and Ernesto Cervantes and to enter a  
11 Final Order of Forfeiture that forfeits all right, title, and interest in the Subject  
12 Property to the United States to be disposed of according to law. No response to  
13 the United States' motion was filed.

14 The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1345  
15 and 1355, and venue is proper pursuant to 28 U.S.C § 1395.

16 After entry of default, Federal Rule of Civil Procedure 55(b) governs entry of  
17 default judgment.<sup>9</sup> Here, by failing to respond to the Verified Complaint or to claim  
18 an interest in the Subject Property, the facts alleged in the Verified Complaint are

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<sup>7</sup> 1:22-cr-2104-MKD.

21 <sup>8</sup> 1:22-cr-2104-MKD, ECF No. 32 at 8–9.

22 <sup>9</sup> *See also* LCivR 55.

1 deemed admitted.<sup>10</sup> Therefore, the Subject Currency is deemed to be proceeds of  
2 drug trafficking or funds used to facilitate drug trafficking, and the Subject Vehicle  
3 is deemed to be property used or intended to be used to transport or facilitate the  
4 transportation, sale, possession, or concealment of controlled substances.<sup>11</sup> Thus,  
5 pursuant to Rule 55(b)(2), default judgment against Ms. Cervantes, Ms. Riojas, and  
6 Ernesto Cervantes as to the Subject Property is appropriate.<sup>12</sup>

7         Given the entry of default judgment against these three individuals and  
8 Oscar Cervantes' agreement to waive notice in the civil forfeiture proceeding and  
9 agreement to an order of forfeiture, any and all potential claimant's interest in the  
10 Subject Property has been resolved.

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14 <sup>10</sup> See Fed. R. Civ. P. 8(d) (deeming the facts alleged in the complaint admitted by  
15 the non-responding party, except those concerning the government's entitlement to  
16 forfeiture).

17 <sup>11</sup> See, e.g., *United States v. \$63,530.00 in U.S. Currency*, 781 F.3d 949, 955 (8th  
18 Cir. 2015) ("Possession of large amounts of currency provides strong evidence of a  
19 connection between the currency and drug activity.").

20 <sup>12</sup> See 21 U.S.C. § 881(a), 18 U.S.C. § 983(c); *Eitel v. McCool*, 782 F.2d 1470, 1471–  
21 72 (9th Cir. 1986) (identifying factors to consider when determining if default  
22 judgment should be entered).

1 **C. Conclusion**

2 Accordingly, **IT IS HEREBY ORDERED:**

3 1. The United States' Motion for Default Judgment and Final Order of  
4 Forfeiture, **ECF No. 14**, is **GRANTED**.

5 2. The Clerk's Office is to enter **DEFAULT JUDGMENT** against the  
6 interests of Alicia Ruiz Cervantes, Ernesto Cervantes, and Amanda  
7 Riojas as to the Subject Property.

8 3. The Subject Property (listed below) is hereby **forfeited to the United**  
9 **States of America**, and no right, title, or interest to the Subject  
10 Property shall exist in any other person or entity:

- 11 • \$10,850.00 U.S. currency, seized by the Bureau of Alcohol,  
12 Tobacco, Firearms and Explosives, on or about June 22, 2022,  
13 and
- 14 • 2013 Mercedes Model C Coupe, Washington License Number:  
15 CDD1230, VIN: WDDGJ4HBXDF952456.

16 4. The U.S. Marshals Service shall dispose of the forfeited property  
17 described herein in accordance with the law.

18 5. This file is **CLOSED** but the Court retains jurisdiction for the purpose  
19 of enforcing or amending this Order.

20 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
21 provide copies to all counsel, the U.S. Marshal's Service, and the following  
22

1 individuals—Alicia Ruiz Cervantes, Ernesto Cervantes Ruis, and Amanda Riojas—  
2 at 191 South St., Wapato, WA 98951.

3 **DATED** this 12<sup>th</sup> day of October 2023.

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6 EDWARD F. SHEA  
7 Senior United States District Judge  
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