

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

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Plaintiff,

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v.

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CIVIL ACTION NO.: 08-300-CG-B

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\$20,520.00, MORE OR LESS, IN U.S.

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**CURRENCY; One (1) Beretta .40 caliber
handgun, serial no. BER020651M,**

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Defendants.

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ORDER OF FORFEITURE

This matter is before the Court on plaintiff's Motion for Entry of Order of Forfeiture (Doc. 12). For cause shown, the Motion is **GRANTED**.

On June 3, 2008, a verified complaint for forfeiture in rem was filed on behalf of the United States against the defendants, \$20,520.00, more or less, in U.S. Currency, and One (1) Beretta .40 caliber handgun, serial no. BER020651M, to enforce the provisions of Title 21, United States Code, Section 881(a)(6), Title 21, United States Code, Section 881(a)(11) and Title 18, United States Code, Section 924(d)(1). Process was fully issued in this action for the forfeiture of the defendant property under the complaint.

On June 3, 2008, the plaintiff sent a copy of the Complaint for Forfeiture in Rem, Warrant for Arrest and Notice of Forfeiture Action ("pleadings") to Riley Washington (9037), Federal Inmate, Monroe County Detention Facility, 65 North Alabama Avenue, Room #136, Monroeville, AL, 36460, and to attorney Richard D. Yelverton, Esq., 12 N. Lawrence Street, Mobile, AL, 36602. Attorney Yelverton represents Washington in a related criminal action,

namely, U.S. v. Riley Washington, SDAL Criminal No. 08-00096. On June 5, 2008, the pleadings were delivered to the facility where Washington is incarcerated and were subsequently delivered to him. On June 9, 2008, the pleadings were delivered to the office of Richard D. Yelverton, Esq., Washington's attorney in a related criminal action. (Doc. 5). Among the pleadings was the Notice of Forfeiture action which notified Washington and his attorney of his right to file a claim in this Court within thirty five (35) days of the date that said notice was sent and to file a motion or an answer within 20 days thereafter, and of the intent of the United States to dispose of the property in accordance with the law, all in accordance with Supplemental Rules G(4)(b)(C), G (5)(ii)(A) and G(5)(b). As a result, any claim from Washington was due by July 8, 2008, and any motion or answer by July 28, 2008.

No claim, motion, answer or any other responsive pleadings were filed by Riley Washington and his time to file same has expired.

On June 13, 2008, the U.S. Marshals Service executed the Warrant for Arrest issued by the Clerk thereby arresting the defendant, \$20,520.00, more or less, in U.S. Currency.

On October 14, 2008, the Federal Bureau of Investigation executed the Warrant for Arrest issued by the Clerk thereby arresting the defendant, One (1) Beretta .40 caliber handgun, serial no. BER020651M.

Notice of this seizure and forfeiture action, and of the intent of the United States to dispose of the property in accordance with the law, was published on the Internet at www.forfeiture.gov from August 12, 2008 through September 10, 2008. (Doc. 10). Any putative claimant who received notice by internet notice had to file a claim by October 14, 2008

and a motion under Rule 12 or answer by November 3, 2008. Supplemental Rule G(5)(ii)(B) and G(5)(b).

All identifiable possible claimants were served. All possible claimants have had adequate notice and time in which to file a claim, motion and an answer. No such claims, motions or answers have been filed, and the filing deadlines, of Supplemental Rules G(4)(b)(C), G (5)(ii)(A) and G(5)(b) have expired.

With no claims, motions, answers, or any other pleadings having been filed in opposition to the forfeiture of said defendant, and there being no remaining issues, final disposition of this action is appropriate at this time.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter, and the complaint states a claim upon which relief may be granted.
2. In accordance with the verified complaint, the defendant, \$20,520.00, more or less, in U.S. Currency which was seized by the United States Marshals Service, is **ORDERED** to be forfeited to the plaintiff, the United States of America for disposition according to law pursuant to the provisions of Title 21, United States Code, Section 881(a)(6). The defendant One (1) Beretta .40 caliber handgun, serial no. BER020651M is further **ORDERED** forfeited to plaintiff, the United States of America, for disposition according to law pursuant to Title 18, United States Code, Section 924(d)(1) and Title 21, United States Code Section 881(a)(11).

3. This Order resolving all matters and issues joined in this action, the Clerk of Court is directed to close this file for administrative and statistical purposes.

DONE and ORDERED this 4th day of November, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE