

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO 09-0658-KD-C
)	
\$3,079.00, more or less,)	
in U.S. CURRENCY,)	
)	
Defendant.)	

ORDER OF FORFEITURE

This matter is before the Court on plaintiff’s Motion for Entry of Order of Forfeiture (Doc.19). For cause shown, the Motion is granted.

On October 7, 2009, a complaint for forfeiture *in rem* was filed on behalf of the United States against the defendant, \$3,079.00, more or less, in U.S. Currency, to enforce Title 21, United States Code, Section 881(a)(6), which subjects to civil forfeiture all money or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of the Controlled Substances Act, all proceeds traceable to such an exchange, and all money used or intended to be used to facilitate any violation of the Controlled Substances Act. Process was fully issued in this action for the forfeiture of the defendant property under the complaint.

On September 20, 2010, Donald Ray, *pro se*, filed a response to the complaint. Pursuant to the Warrant For Arrest *in rem*, the defendant, \$3,079.00, more or less, in U.S. Currency, was seized and arrested on October 14, 2009.

On July 12, 2011, the parties filed a Release and Settlement of All Claims and Stipulation and Consent to Entry of Order of Forfeiture. (Doc. 18). Pursuant to the terms of said settlement

agreement, the parties agreed that \$2,579.00 of the defendant \$3,079.00 is to be forfeited to the United States of America for disposition in accordance with the law, pursuant to Title 21, United States Code, Sections 881(a)(6). The parties further agreed that \$500.00 of the defendant \$3,079.00 be returned to claimant, Donald Wayne Ray, in accordance with the terms of the Stipulation and Consent to Entry of Order of Forfeiture.

The plaintiff published notice of this action on an official government forfeiture internet site as authorized by Supplemental Rule G(4)(iv)(C) for 30 consecutive days beginning on October 10, 2009 (Doc. 3). Said published notice notified any unknown potential claimants that any claim to said currency had to be filed within 60 days of the first date of publication (October 10, 2009) and any motion under Rule 12 or answer within 20 days of filing the claim. (Doc. 6). Supplemental Rule G(5)(ii)(B). As a result, any claim by such unknown potential claimants was due by December 9, 2009, and any Rule 12 motion or answer within 20 days thereafter, by December 29, 2009. No claims, motions or answers by unknown potential claimants were filed and the time for filing same has long since expired.

The plaintiff sent notice and a copy of the complaint to potential claimant Deborah Calderon at her place of incarceration in accordance with Supplemental Rule G(4)(b)(iii)(C) and due process. Calderon has filed no responsive pleadings and her time to do so has long since expired.

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 amended complaint states a claim upon which relief may be granted.
2. The sum of \$2,579.00 of the defendant \$3,079.00 is forfeited to the United States of

America for disposition according to law, and the remaining \$500.00 is to be returned to claimant, Donald Wayne Ray, by the United States Marshals Service.

3. Each party is to bear its own costs.

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

DONE and **ORDERED** this 21st day of July, 2011.

s / Kristi K DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE