

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

UNITED STATES OF AMERICA

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Plaintiff,

*

*

vs.

*

CIVIL ACTION NO. 10-00550-CG-B

*

\$28,900.00, more or less, in U.S.

*

Currency,

*

*

Defendant.¹

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ORDER OF FORFEITURE

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

On August 10, 2011, a redacted verified complaint for forfeiture in rem was filed on behalf of the United States against the defendant, \$28,900.00, more or less in U.S. Currency, alleging it was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A), which provides for the forfeiture of any property involved in a transaction or attempted transaction in violation of the anti-money laundering provisions of 18 U.S.C. §§ 1956 and 1957 and any property traceable thereto; and/or 21 U.S.C. § 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.

¹The defendant \$28,900.00 was seized from the Wells Fargo Advisers account ending in 8294 held in the name of Professional Investment Group, S.A. (Professional).

As set forth in plaintiff's motion and exhibits, on August 10, 2011, the plaintiff sent a copy of the redacted Complaint and Notice to known potential claimant, Professional, through its attorney, notifying it of its 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 21 days thereafter, in accordance with Supplemental Rule G(4)(b)(ii)(B) and (C). Accordingly, known potential claimant Professional had until September 14, 2011, to file a claim, and until October 5, 2011, to file a motion or an answer. Professional filed no such claim, motion or answer.

Notice of this seizure and forfeiture action, of the right of any person claiming a legal interest in the defendant property to file with the court a claim within 60 days of the first date of publication and a motion or answer within 21 days thereafter was published on an official government forfeiture internet site at www.forfeiture.gov from September 15, 2011 through October 14, 2011, as authorized by Supplemental G(4)(iv)(C). Accordingly, any putative claimant who received notice from the internet had to file a claim by November 14, 2011, and any motion or answer within 21 days thereafter, by December 5, 2012. Supplemental Rule G(5)(ii)(B). No such claims, motions or answers by unknown potential claimants have been filed and the time for filing same has long since expired.

All identifiable potential claimants have been sent notice. All potential claimants have had adequate notice and time in which to file a claim, motion or an answer. No such claims, motions or answers have been filed and the filing deadlines have expired.

On October 13, 2010, the Internal Revenue Service seized the defendant \$28,900.00 pursuant to a Warrant for Arrest, which gave the Court in rem jurisdiction over it.

With no claims, motions or answers 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 defendant \$28,900.00, more or less, in U.S. Currency, and the complaint states a claim upon which relief may be granted.

2. The defendant \$28,900.00 is forfeited to the plaintiff, United States of America, for disposition according to law, pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6). A separate Judgment will be entered.

3. This Order and the accompanying Judgment 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 12th day of April, 2012.

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