

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

UNITED STATES OF AMERICA,	*	
	*	
	Plaintiff,	*
v.	*	CIVIL ACTION NO.:11-00039-CB-M
	*	
\$7,967.00, 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 January 25, 2011, a complaint for forfeiture in rem was filed on behalf of the United States against the defendant, \$7,967.00, more or less, in U.S. Currency, alleging it was subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), as property, real or personal, which constitutes, or is derived from proceeds traceable to a violation of any offense constituting "specified unlawful activity," as defined in 18 U.S.C. Section 1956(e)(7), or a conspiracy to commit to such an offense, including violations of 18 U.S.C. §641, which prohibits, inter alia, theft, conversion, sale, retention or disposal of public money, vouchers or other things of value to the United States with the intent to convert same to one's own use or gain. (doc.1) .

As set forth in plaintiff's motion, on January 25, 2011, the plaintiff sent a copy of the Complaint and Notice to the known potential claimant Jamil Kayed and to his attorney advising of Mr. Kayed's right to file a claim in this Court within thirty five (35) days of the date that said notice was sent and file a motion or answer within 21 days

thereafter, in accordance with Supplemental Rule G(4)(b)(ii)(B) and (C). Claimant Kayed filed a timely claim, amended claim and 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, beginning on April 1, 2011, and continuing through April 30, 2011, as authorized by Supplemental Rule G(4)(iv)(C). Accordingly, any putative claimant who received notice from the internet had to file a claim by May 21, 2011, and any motion or answer within 21 days thereafter, or by June 13, 2011. Supplemental Rule G(5)(ii)(B). No claims, motions or answers by unknown potential claimants were 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 the filing deadlines have expired.

On February 9, 2011, the United States Marshals Service seized the defendant \$7,967.00 pursuant to a Warrant For Arrest, which gave the Court in rem jurisdiction over it.

On February 3, 2012, pursuant to a Release and Settlement of All Claims and Stipulation and Consent To Entry of Order of Forfeiture (doc. 16), in conjunction with the resolution of a related criminal case against claimant Kayed, *United States v. Jamil J. Kayed*, Cr. No. 11-00369-KD-N, Kayed agreed to the forfeiture of the defendant

\$7,967.00 to the United States, and consented to the Court's entry of an Order and/of Judgment of Forfeiture necessary to effectuate the settlement agreement. (doc.16 at 5, ¶10).¹

With no unresolved claims, motions or answers in opposition to the forfeiture of said defendant remaining, 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 \$7,967.00, more or less, in U.S. Currency, and the complaint states a claim upon which relief may be granted.
2. The defendant \$7,967.00 is forfeited to the United States of America for disposition according to law. A separate Judgment will be entered.
3. The plaintiff and claimant Kayed are to bear their own costs.
4. 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

¹ On March 5, 2012, prior to the plaintiff's filing of its motion the Court entered a dismissal of this action. (doc. 18). By separate Order of this date, the Court has rescinded and set aside that Order pursuant to Rule 60 (a) and (b) Fed. R. Civ. P., so that it can enter this order and separate judgment of forfeiture to complete the final disposal of the defendant \$7,967.00 per the agreement of the parties .

administrative and statistical purposes.

DONE and ORDERED this 12th day of March, 2012.

s/Charles R. Butler, Jr.
Senior United States District Judge