

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 13-0041-CG-M
)	
ONE 2007 P T CRUISER, VIN)	
3A4FY58B87T546414,)	
)	
Defendant.)	

ORDER OF FORFEITURE

This matter is before the Court on plaintiff's Motion for Order and Judgment of Forfeiture (Doc. 6). For cause shown, the Motion is **GRANTED**.

On January 28, 2013, the plaintiff filed a Verified Complaint for Forfeiture In Rem against the above-named defendant, alleging it is subject to forfeiture pursuant to Title 8, United States Code, Section 1324(b)(1), which subjects to forfeiture any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of Section 1324(a), more specifically, Section 1324(a)(ii).

The Alabama State Troopers seized the defendant vehicle on August 20, 2012, in Baldwin County, Alabama, eastbound on Interstate 10. The driver, Santos Modesto Ochoa, also known as Ochoa-Zambrono, was arrested on that date based on his involvement in knowing or acting with reckless disregard of the fact that an alien entered or remained in the United States, and knowingly transporting or moving an alien in the United States.

In United States v. Santos Modesto Ochoa, (“Ochoa”) Cr. No: 12-00199-KD, a related criminal action, Ochoa pled guilty to Count One of the Indictment which charged him with a violation of 8 U.S.C. Section 1324(a)(1)(A)(ii), namely, that he knew or acted in reckless disregard of the fact that an alien entered or remained in the United States in violation of the law, and that he knowingly transported or moved the alien within the United States in furtherance of the violation. In connection with his guilty plea, Ochoa admitted under oath that the day before he was stopped by state troopers, where he had traveled to a Houston, Texas, Shell station where a woman in a white minivan pulled up with three Hispanic males. The Hispanic males got into his vehicle and he drove off. Ochoa refused to answer the agent’s questions as to how he knew where to go, how the unidentified woman who drove the van knew him, and refused to answer any other questions. Border Patrol Agent from Torres determined the three passengers were Hondurans who had entered the country illegally.

The subject vehicle, which bore South Carolina plates, was registered to Ochoa.

As set forth in plaintiff’s motion and exhibits, on the same date that it filed its verified complaint, the plaintiff faxed and mailed a copy of the Complaint, Notice and Warrant for Arrest to known potential claimant, Ochoa, to Carlos A. Williams, Esquire, his attorney in a related criminal action, and to ABC Towing, notifying them of their right to file a claim in this Court within thirty five (35) days of the date that said notice was sent (by March 4, 2013) 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 claimants to whom plaintiff sent direct notice had until March 4, 2013, to file a claim, and until March 25, 2013, to file a motion or an answer. No such claims, motions or answers were filed.

On January 30, 2013, notice of this seizure and forfeiture action, of the right of any persons claiming legal interest in the defendant property to file a claim with the court and a motion or answer within 21 days thereafter was published on the Internet at www.forfeiture.gov from January 30, 2013 through February 28, 2013. Any putative claimant who received notice from the internet had to file a claim by February 28, 2013. No such claims, motions or answer have been filed, and the time to do so has 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 February 8, 2013, the U.S. Border Patrol executed the Warrant for Arrest issued by the Clerk thereby arresting the defendant, One 2007 P T Cruiser, VIN 3A4FY58B87T546414, which gave the Court in rem jurisdiction over it.

With no claims, motions or answers 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 defendant vehicle, and the complaint states a claim upon which relief may be granted.

2. In accordance with the Verified Complaint, the defendant, One 2007 P T Cruiser, VIN 3A4FY58B87T546414, is **ORDERED** forfeited to the plaintiff, the United States of America, pursuant to Title 8 U.S.C. Section 1324(b)(1), for disposition according to law. 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 17th day of April, 2013.

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