

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

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Civil Action No. 16-00545-KD-N**

**v.**

**APPROXIMATELY \$299,873.70 SEIZED  
FROM A BANK OF AMERICA ACCOUNT,  
et al.,**

**Defendants.**

**DEFAULT JUDGMENT OF FORFEITURE**

This action comes before the Court upon the United States' Motion, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for entry of a Default Judgment of Forfeiture for the \$299,873.70 in U.S. Currency seized from a Bank of America account ending in 5538 held by an individual identified as P.Q. (Defendant Funds).

The United States filed a verified complaint for civil forfeiture against the Defendant Funds pursuant to Title 18, United States Code, Section 981(a)(1)(A), which subjects to civil forfeiture any property, real or personal, involved in a transaction or attempted transaction in violation of Title 18, United States Code, Section 1956 (regarding the laundering of monetary instruments) and any property traceable to such property. (Doc. 1). The Defendant Funds, identified as a defendant in paragraph 2(1) of the verified complaint, are currently in the custody of Customs and Border Protection. (Docs. 1, 3 & 78).

Beginning on December 22, 2016, through and including January 20, 2017, the United States published notice of the present action on its official website, [www.forfeiture.gov](http://www.forfeiture.gov), as required by Supplemental Rule G(4)(a)(i) & (iv)(C) of the Federal Rules of Civil Procedure. (Doc. 65).

In addition, on or about December 20, 2016, in accordance with the requirements of Rule G(4)(b), the United States sent notice of this forfeiture action to Pan Qiang (Default Claimant), the listed account holder and only known potential claimant to the Defendant Funds, via certified mail. (Doc. 49, p. 4 & doc. 194, p. 2). The certified mail was returned to the United States on or about February 3, 2017, as “Unclaimed/Max Hold Time Expired” on January 14, 2017, according to the USPS tracking confirmation. (Doc. 76).

The United States could not locate another address for Default Claimant within the United States after the first notice package was unclaimed. (Doc. 194, Ex. A, ¶ 7). However, the United States found an address in China associated with the Default Claimant, and on or about November 2, 2018, the United States sent a second notice of this forfeiture action to the address located for Pan Qiang in China, via FedEx and First-Class Mail International. (*Id.*, *see also* doc. 165). The FedEx was returned to the United States on or about December 7, 2018, as “Unable to deliver shipment, returned to shipper” according to the FedEx tracking confirmation. (Doc. 194, Ex. A, ¶ 7). The tracking confirmation also indicates that delivery was “Refused by recipient” on November 5, 2018. (*Id.*) However, the notice package sent by First-Class Mail International mail was not returned to the United States. (*Id.*)

The Notices of Forfeiture advised that, in order to contest the United States' civil forfeiture complaint, a claimant was required to file a claim in the United States District Court for the Southern District of Alabama no later than 35 days after the date the notice was sent, and file an answer no later than 21 days after filing a claim. (Docs. 49 and 165). The first Notice further instructed Default Claimant that any claim and answer was to be filed with the Office of the Clerk, United States District Court, Southern District of Alabama, 113 St. Joseph Street, Mobile, Alabama 36602, with a copy thereof sent to Assistant United States Attorney Christopher J. Bodnar, 63 S. Royal Street, Suite 600, Mobile, Alabama 36602. (Doc. 49). The second Notice further instructed the Default Claimant that any claim and answer was to be filed with the Office of the Clerk, United States District Court, Southern District of Alabama, 155 St. Joseph Street, Mobile, Alabama 36602, with a copy thereof sent to Assistant United States Attorney Daryl A. Atchison, 63 S. Royal Street, Suite 600, Mobile, Alabama 36602. (Doc. 165.)

No one filed a claim, or otherwise appeared to contest the forfeiture, and the time to do so expired. On April 24, 2019, the United States filed a motion for entry of default against the Defendant Funds and Pan Qiang. (Doc. 194). On May 7, 2019, the Clerk entered the requested default against the Defendant Funds and Pan Qiang. (Doc. 195).

Since default has been entered, the factual allegations of the United States' verified complaint are now deemed admitted concerning the Defendant Funds. *See Giovanni v. Fabec*, 804 F.3d 1361, 1366 (11<sup>th</sup> Cir. 2015); *Grant v. Pottinger-Gibson*, 725 Fed. Appx. 772, 773 - 774 (11<sup>th</sup> Cir. 2018); and *United States v. Approximately*

\$66,470, Case No: 6:17-cv-2042-Orl-28KRS, 2018 WL 1525957, \*2 (M.D. Fla. Mar. 13, 2018), adopted and confirmed, 2018 WL 1524401, \*1 (Mar. 28, 2018). Those factual allegations support a reasonable belief that the United States would be able to meet its burden of proof at trial as to the Defendant Funds under 18 U.S.C. § 983(c).

It is accordingly, hereby:

ORDERED, ADJUDGED and DECREED that the United States' motion is GRANTED,

It is FURTHER ORDERED that pursuant to Federal Rule of Civil Procedure 55(b)(2), judgment of default is hereby entered against the Defendant Funds and Pan Qiang. Any further claims or statements of interest are time-barred.

It is FURTHER ORDERED that all right, title, and interest in the Defendant Funds is hereby forfeited to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(A) and Federal Rule of Civil Procedure 55(b)(2), and clear title to the Defendant Funds is vested in the United States of America for disposition according to law.

DONE and ORDERED in Mobile, Alabama, this 6<sup>th</sup> day of June 2019.

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