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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,  
vs.  
\$10,067.00 in U.S. Currency; Chevrolet  
Tahoe, VIN #3GCEC28K2SM123250,  
Defendants.

No. CV-10-2059-PHX-FJM

**ORDER**

Plaintiff filed this civil action *in rem* to enforce the provision of 31 U.S.C. § 5332(c) for the forfeiture of property involved in a violation of 31 U.S.C. § 5332(a), or conspiracy to commit such a violation. We now have before us plaintiff’s motion to compel discovery (doc. 13) and motion for entry of judgment (doc. 16).

Claimants Alicia Jimenez and Argimiro Gonzalez initially filed a claim and answer, but then subsequently withdrew them. (Doc. 15). The withdrawal of the claim and answer renders the plaintiff’s motion to compel moot. Accordingly, it is ORDERED DENYING plaintiff’s motion to compel on grounds of mootness. (Doc. 13).

Plaintiff has established by a preponderance of the evidence that the sum of \$10,067 and the vehicle represented by the substitute *res* bond in the amount of \$1,100 were property involved in a violation of 31 U.S.C. § 5332(a), or a conspiracy to commit such a violation,

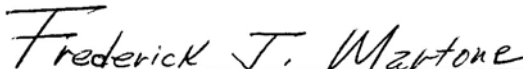
1 resulting in the forfeiture of property involved pursuant to 31 U.S.C. § 5332(c). In addition,  
2 the vehicle is property involved in a violation of 18 U.S.C. § 512 and is therefore also subject  
3 to forfeiture under that statute. Accordingly, it is ORDERED GRANTING plaintiff's motion  
4 for entry of judgment. (Doc. 16).

5 The clerk is directed to enter judgment in favor of plaintiff and against defendants as  
6 follows:

7 JUDGMENT is entered for the United States and against defendants, the sum of  
8 \$10,067 and the vehicle represented by the substitute *res* bond in the amount of \$1,100, and  
9 against claimants Alicia Jimenez and Argimiro Gonzalez, and their minor son, C.G., and all  
10 others who have not filed a claim and answer in this action. The defendant currency and the  
11 substitute *res* bond are ordered forfeited to the United States pursuant to 31 U.S.C. § 5332(c)  
12 and 18 U.S.C. § 512 and shall be disposed of according to law by the Customs and Border  
13 Protection, Department of Homeland Security.

14 Pursuant to Rule 54, Fed. R. Civ. P., and 28 U.S.C. §§ 1918, 1920 and 1921, costs of  
15 this action shall be taxed as determined by the clerk of the court upon the filing by plaintiff  
16 of a bill of costs. Plaintiff shall have ten (10) days from entry of judgment within which to  
17 file a bill of costs. The costs of this action subsequently taxed by the clerk shall be  
18 incorporated as a portion of this judgment.

19 DATED this 14<sup>th</sup> day of June, 2011.

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23 Frederick J. Martone  
24 United States District Judge  
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