

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 Chief, Criminal Division
 3 STEVEN R. WELK
 Assistant United States Attorney
 Chief, Asset Forfeiture Section
 4 FRANK D. KORTUM
 Assistant United States Attorney
 Asset Forfeiture Section
 5 California Bar No. 110984
 6 United States Courthouse
 312 North Spring Street, Suite 1400
 7 Los Angeles, California 90012
 Telephone: (213)894-5710
 8 Facsimile: (213)894-7177
 9 E-Mail: Frank.Kortum@usdoj.gov

10 Attorneys for Plaintiff
 11 United States of America

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,)	NO. CV 08-07241-CBM (MANx)
)	
16 Plaintiff,)	
)	
17 v.)	CONSENT JUDGMENT OF FORFEITURE
)	
18 \$23,063.32 IN U.S. CURRENCY,)	
)	
19 Defendant.)	
)	
20 _____)	
)	
21 ANDREW A. KIELY,)	
)	
22 Claimant.)	
)	
23 _____)	

24 On October 31, 2008, plaintiff United States of America
 25 ("the United States of America") filed a Verified Complaint for
 26 Forfeiture alleging that the defendant \$23,063.32 in U.S.
 27 currency (the "defendant currency") is subject to forfeiture
 28 pursuant to 21 U.S.C. § 981(a)(6).

1 The United States of America deemed claimant Andrew A. Kiely
2 ("claimant") to have filed a claim to the defendant currency. No
3 other parties have appeared in this case and the time for filing
4 claims and answers has expired.

5 The United States of America and claimant have now agreed to
6 settle this action and to avoid further litigation by entering
7 into this Consent Judgment of Forfeiture.

8 The Court having been duly advised of and having considered
9 the matter, and based upon the mutual consent of the parties
10 hereto,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

12 1. This Court has jurisdiction over the subject matter of
13 this action and the parties to this Consent Judgment of
14 Forfeiture.

15 2. The Complaint for Forfeiture states a claim for relief
16 pursuant to 21 U.S.C. § 881(a)(6).

17 3. Notice of this action has been given as required by
18 law. No appearances have been made in this case by any person
19 other than claimant. The Court deems that all other potential
20 claimants admit the allegations of the Complaint for Forfeiture
21 to be true.

22 4. \$14,991.16 of the defendant currency, with interest,
23 shall be returned to claimant. The remainder of the defendant
24 currency (\$8,072.16), plus the interest earned by the United
25 States of America on the entire sum since seizure, shall be
26 condemned and forfeited to the United States of America. The
27 United States Marshals Service is ordered to dispose of the
28 defendant currency in accordance with the law.

1 5. The funds to be returned to claimant pursuant to
2 paragraph 4 shall be paid to claimant within sixty (60) days of
3 the entry of this Consent Judgment of Forfeiture.

4 6. Claimant hereby releases the United States of America,
5 its agencies, agents, officers, employees and representatives,
6 including, without limitation, all agents, officers, employees
7 and representatives of the Drug Enforcement Administration and
8 the Department of Justice and their respective agencies, as well
9 as all agents, officers, employees and representatives of any
10 state or local governmental or law enforcement agency involved in
11 the investigation or prosecution of this matter, from any and all
12 claims, actions, or liabilities arising out of or related to this
13 action, including, without limitation, any claim for attorney
14 fees, costs, and interest, which may be asserted by or on behalf
15 of claimant.

16 7. The Court finds that there was reasonable cause for the
17 seizure of the defendant currency and institution of these
18 proceedings. This judgment shall be construed as a certificate
19 of reasonable cause pursuant to 28 U.S.C. § 2465.

20 8. The Court further finds that claimant did not
21 substantially prevail in this action, and each of the parties
22 hereto shall bear their own attorney fees and costs.

23 //

24 //

25 //

26 //

27 //

28

1 9. The Court shall maintain jurisdiction in this case for
2 the purpose of effectuating the terms of this Consent Judgment of
3 Forfeiture.

4 DATED: September 12, 2011

A handwritten signature in black ink, appearing to read 'C. B. Marshall', is positioned above the judge's name.

5
6 THE HONORABLE CONSUELO B. MARSHALL
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONSENT

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right of appeal.

DATED: August __, 2011 ANDRÉ BIROTTE JR.
 United States Attorney
 ROBERT E. DUGDALE
 Assistant United States Attorney
 Chief, Criminal Division
 STEVEN R. WELK
 Assistant United States Attorney
 Chief, Asset Forfeiture Section

FRANK D. KORTUM
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: August__, 2011 LAW OFFICES OF RICHARD N. FLEMING

RICHARD N. FLEMING, ESQ.

Attorneys for Claimant
Andrew A. Kiely