

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 STEVEN R. WELK
 4 California Bar No. 149883
 Assistant United States Attorney
 5 Chief, Asset Forfeiture Section
 Federal Courthouse, 14th Floor
 6 312 North Spring Street
 Los Angeles, California 90012
 7 Telephone: (213) 894-6166
 Facsimile: (213) 894-7177
 8 E-mail: Steven.Welk@usdoj.gov

9 Attorneys for Plaintiff
 United States of America

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

| | | |
|------------------------------|---|---------------------------------------|
| 14 UNITED STATES OF AMERICA, |) | NO. CV 09-1887 DOC (JCx) |
| |) | |
| 15 Plaintiff, |) | |
| |) | |
| 16 v. |) | CONSENT JUDGMENT OF FORFEITURE |
| |) | AS TO CLAIMANT HECTOR |
| 17 ASSORTED FIREARMS, |) | GONZALEZ, JR. ONLY |
| 18 MOTORCYCLES AND OTHER |) | |
| PERSONAL PROPERTY, |) | |
| |) | |
| 19 Defendants. |) | [NOTE: THIS ORDER RESOLVES THE |
| |) | CLAIM OF ONE CLAIMANT, BUT IS |
| |) | NOT DISPOSITIVE OF THE CASE] |
| 20 HECTOR GONZALEZ, JR., |) | |
| |) | |
| 21 Claimant. |) | |
| |) | |

23 Plaintiff and Claimant Hector Gonzalez, Jr. ("Claimant")
 24 have made a stipulated request for the entry of this Consent
 25 Judgment, resolving the claim of Claimant in this action in its
 26 entirety.

27 / / /
 28 / / /

1 Claimant filed a timely claim to the following defendant
2 assets:

- 3 1. one 2000 Special Construction motorcycle, VIN
4 4K7S81358W00410 (09-ATF-000170);
- 5 2. \$10,350.00 in U.S. Currency (09-ATF-000084);
- 6 3. One Glock cal 40 23 pistol, serial no. CSW204 (09-ATF-
7 000840);
- 8 4. One Smith & Wesson Air Weight revolver, serial no.
9 DBA2083 (09-ATF-000838);
- 10 5. One Smith & Wesson Cal 32-20 Ctg Pistol, serial no.
11 121188 (09-ATF-000883); and
- 12 6. One Remington Arms Company cal 12 870 shotgun, serial
13 no. D243709M (09-ATF-000834).

14 Claimant did not file a claim to any of the defendant assets
15 other than those listed, and no other claimants have filed claims
16 to the defendant assets listed above. The time for filing claims
17 and answers has expired. No other person is believed to have any
18 claim to the defendant assets.

19 The Court, having considered the stipulation of the parties,
20 and good cause appearing therefor, **HEREBY ORDERS, ADJUDGES AND**
21 **DECREES:**

- 22 1. The government has given and published notice of this
23 action as required by law, including Supplemental Rule G for
24 Admiralty or Maritime Claims and Asset Forfeiture Actions,
25 Federal Rules of Civil Procedure, and the Local Rules of this
26 Court. No claims or answers have been filed to contest the
27 forfeiture of the listed defendant assets other than that filed

28

1 by Claimant, and the time for filing claims and answers has
2 expired. This Court has jurisdiction over the parties to this
3 judgment and the defendant assets described herein. Any
4 potential claimants to the defendant assets described herein
5 other than Claimant are deemed to have admitted the allegations
6 of the first amended complaint with respect to these assets.

7 2. The following defendant asset shall be returned to
8 Claimant through his counsel: \$10,350.00 in U.S. Currency (09-
9 ATF-000084). The United States Marshals Service ("USMS") shall
10 release said asset, without interest, by wire transfer to
11 Claimant's counsel, who shall provide the information necessary
12 to make the wire transfer (including bank account and routing
13 information) forthwith. The United States Marshals Service shall
14 make the transfer within 45 days of the entry of this judgment or
15 its receipt of the necessary wire transfer information, whichever
16 is later.

17 3. The government shall have judgment against the interests
18 of Claimant (and any potential claimants) as to the remaining
19 listed defendant assets, to wit: one 2000 Special Construction
20 motorcycle, VIN 4K7S81358W00410 (09-ATF-000170); One Glock cal 40
21 23 pistol, serial no. CSW204 (09-ATF-000840); One Smith & Wesson
22 Air Weight revolver, serial no. DBA2083 (09-ATF-000838); One
23 Smith & Wesson Cal 32-20 Ctg Pistol, serial no. 121188 (09-ATF-
24 000883); and One Remington Arms Company cal 12 870 shotgun,
25 serial no. D243709M (09-ATF-000834). Said assets are hereby
26 forfeited and condemned to the United States, and no other right,
27
28

1 title or interest shall exist therein. The government shall
2 dispose of the forfeited assets according to law.

3 4. Claimant has agreed to release the United States of
4 America, its agencies, agents, and officers, including employees
5 and agents of the Bureau of Alcohol, Tobacco, Firearms &
6 Explosives ("ATF"), from any and all claims, actions or
7 liabilities arising out of or related to the seizure and
8 retention of the defendant assets and/or the commencement of this
9 civil forfeiture action, including, without limitation, any claim
10 for attorneys' fees or costs which may be asserted on behalf of
11 Claimant against the United States, whether pursuant to 28 U.S.C.
12 § 2465 or otherwise.

13 5. The court finds that there was reasonable cause for the
14 seizure of the defendant assets and the institution of this
15 action as to the defendant assets. This judgment constitutes a
16 certificate of reasonable cause pursuant to 28 U.S.C. § 2465 as
17 to the defendant assets.

18 6. Each of the parties shall bear its own fees and costs in
19 connection with the seizure, retention and return of the
20 defendant assets.

21
22 DATED: September 24, 2012

David O. Carter

THE HONORABLE DAVID O. CARTER
UNITED STATES DISTRICT JUDGE

23
24
25
26
27
28