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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	1:04-cv-6743-LJO-TAG
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS TO GRANT
vs.)	PLAINTIFF’S MOTIONS TO STRIKE
)	AND TO ENTER DEFAULT AND FINAL
APPROXIMATELY \$141,932.00)	JUDGMENT OF FORFEITURE
IN U.S. CURRENCY,)	(Doc. 38)
)	
Defendant.)	

Plaintiff United States of America is proceeding with a civil forfeiture action in this Court in which two purported claimants stated an interest in the defendant U.S. Currency. (Doc. 8). Plaintiff filed motions seeking to strike the answers filed by Claimants Marc Steven Kalish and Living Tree Company, Inc. Specifically, Plaintiff moved to strike Claimant Kalish’s answer due to his discovery violations, and to strike Claimant Living Tree Company, Inc.’s answer because it had not filed a verified claim. (Docs. 22, 32). Plaintiff also requested that default judgment be entered against both Claimants, and that a final judgment of forfeiture be entered for Plaintiff. (Id.). The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302. On January 18, 2008, the Magistrate Judge issued Findings and Recommendations recommending that Plaintiff’s motions be granted as prayed. ([Doc. 38](#)). The Findings and Recommendations were served on all parties and contained notice that any objections to them were to be filed within fifteen (15) days of the date of service of the order. ([Doc. 38](#)). To date, no objections have been filed. (See Dkt. Sheet).

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley
2 United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a de novo
3 review of the case. Having carefully reviewed the entire file, the Court finds that the Findings and
4 Recommendations are supported by the record and proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Findings and Recommendations (Doc. 38), filed January 18, 2008, are ADOPTED
7 IN FULL;

8 2. Plaintiff United States of America's motions to strike the answer of Claimants Marc
9 Steven Kalish and Living Tree Company, Inc. (Docs. 22, 32), ARE GRANTED;

10 3. The Clerk of the Court is DIRECTED to strike the answer of Claimants Marc Steven
11 Kalish and Living Tree Company, Inc. (Doc. 8);

12 4. Plaintiff's motions for default judgment against Claimants Marc Steven Kalish and
13 Living Tree Company, Inc.(Docs. 22, 32), are GRANTED;

14 5. Plaintiff IS ENTITLED to, and the Clerk of the Court SHALL ENTER, a judgment that
15 condemns and forfeits the interests of all claimants and potential claimants, including Claimants
16 Marc Steven Kalish and Living Tree Company, Inc., in the Defendant currency to the United
17 States of America, pursuant to 21 U.S.C. § 881(a)(6), and which recognizes that all persons
18 claiming any right, title, or interest in or to the Defendant currency have DEFAULTED and no
19 longer have any right, title, or interest in the Defendant currency whatsoever; and

20 6. The Clerk of the Court SHALL ENTER final judgment of forfeiture for Plaintiff United
21 States of America and close this action.

22 IT IS SO ORDERED.

23 **Dated: February 4, 2008**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE