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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNI
BY WU DEPUTY CLERK

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

10 UNITED STATES OF AMERICA,) 1:07-CV-00623-LJO-DLB
11 Plaintiff,)
12 v.)
13 APPROXIMATELY \$60,000.00 IN U.S.)
14 CURRENCY;)
15 APPROXIMATELY \$3,300.00 IN U.S.)
16 CURRENCY; and)
17 THREE \$2,500.00 MONEY ORDERS)
18 ISSUED BY BANCO OF POPULAR)
NORTH AMERICA TOTALING)
19 APPROXIMATELY \$7,500.00 IN U.S.)
CURRENCY,)
20 Defendants.)

21 UNITED STATES OF AMERICA,) 1:06-CR-00419-AWI
22 Plaintiff,) **FINAL JUDGMENT OF FORFEITURE;**
23 v.) **RELEASE OF PROPERTY BOND**
24 SANDRO JIMENEZ,)
25 Defendant,)
26 and,)
27 PEDRO JIMENEZ AND BASELISA)
JIMENEZ,)
28 Sureties.)

United States v. Approximately \$60,000.00 in U.S. Currency, et al.

Doc. 37

1 Pursuant to the Stipulation for Final Judgment of Forfeiture; Release of Property Bond filed
2 herein, the Court finds:

3 Civil Forfeiture Action

4 1. A Verified Complaint for Forfeiture *In Rem* was filed on April 24, 2007, seeking the
5 forfeiture of defendants approximately \$60,000.00 in U.S. Currency, approximately \$3,300.00 in
6 U.S. Currency, and three \$2,500.00 money orders issued by Banco of Popular North America
7 totaling approximately \$7,500.00 in U.S. Currency (hereafter collectively "defendant assets"),
8 alleging that said assets are subject to forfeiture to the United States of America pursuant to 21
9 U.S.C. § 881(a)(6) because the defendant assets constitute moneys or other things of value furnished
10 or intended to be furnished in exchange for a controlled substance or listed chemical, all proceeds
11 traceable to such an exchange and/or were used or intended to be used to facilitate one or more
12 violations of 21 U.S.C. § 841 *et seq.* The United States contends the forfeiture civil action is related
13 to the criminal case against Sandro Jimenez.

14 2. On April 25, 2007, in accordance with the civil forfeiture Complaint, a Warrant for
15 Arrest for the defendant assets was issued and duly executed on May 3, 2007. *See* Process Receipt
16 and Return filed on May 9, 2007.

17 3. Notice of the action against the defendant assets appeared by publication on May 9,
18 2007, in *The Modesto Bee*, a newspaper of general circulation in the county in which the defendant
19 assets were seized (Stanislaus County). The Proof of Publication was filed with the Court on May
20 21, 2007.

21 4. In addition to the Public Notice of Arrest having been completed, actual notice of the
22 civil forfeiture action was personally served upon Dora Jimenez and Sandro Jimenez; by substitute
23 service on Pedro Jimenez, Baselisa Jimenez, and Eduardo Jimenez; and, by certified mail to Eduardo
24 Jimenez. Claimants/Sureties Pedro Jimenez and Baselisa Jimenez filed a timely claim and answer
25 in the civil forfeiture action. No other parties have filed claims or answers in this matter, and the
26 time for which any person or entity may file a claim and answer has expired.

27 5. The Clerk of the Court entered Clerk's Certificates of Entry of Default in the civil
28 forfeiture action against Dora Jimenez on June 13, 2007, Eduardo Jimenez on July 10, 2007, and

1 Sandro Jimenez on August 29, 2007. Pursuant to Local Rule A-540, the United States and
2 Claimants/Sureties Pedro Jimenez and Baselisa Jimenez thus join in a request that as part of this
3 Final Judgment of Forfeiture and Release of Property Bond in this case the Court enter a default
4 judgment in the civil forfeiture action against the interests, if any, of Dora Jimenez, Eduardo
5 Jimenez, and Sandro Jimenez.

6 Property Bond Forfeiture

7 6. On December 15, 2006, in the above-captioned criminal case, defendant Sandro
8 Jimenez was released from custody upon the posting of a \$150,000.00 appearance and compliance
9 bond.

10 7. Pedro Jimenez and Baselisa Jimenez encumbered their property located at 2005 Blush
11 Court, Turlock, California, and more particularly described as

12 Lot 86, Champagne Estates, a subdivision according to the Plat or
13 Map thereof described in Plat Book 33, Page 1, of the Public Records
of Stanislaus County, California.

14 Assessor's Parcel Number: 089-16-86

15 by signing a Deed of Trust establishing the Clerk, Eastern District of California, Fresno, California
16 as beneficiary of the equity in their property in the amount of \$150,000.00, in the above-captioned
17 criminal case.

18 8. On June 10, 2008, in the above-captioned criminal case, defendant Sandro Jimenez
19 violated his conditions of release by failing to appear at a court-ordered hearing. Sandro Jimenez
20 remains a fugitive.

21 Based on the above findings, and the files and records of the Court, it is hereby

22 ORDERED AND ADJUDGED:

23 1. The Court adopts the Stipulation for Final Judgment of Forfeiture; Release of
24 Property Bond entered into by and between the parties to this action.

25 2. Judgment is hereby entered against Claimants/Sureties Pedro Jimenez, Baselisa
26 Jimenez, Potential Claimants Dora Jimenez, Eduardo Jimenez, Sandro Jimenez, and all other
27 potential claimants who have not filed claims in this action.

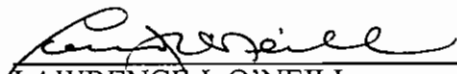
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CERTIFICATE OF REASONABLE CAUSE

Pursuant to the Stipulation for Final Judgment of Forfeiture; Release of Property Bond filed herein, and the allegations set forth in the Verified Complaint for Forfeiture *In Rem* filed April 24, 2007, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the defendant assets.

Dated: Jan 5, 2009



LAWRENCE J. O'NEILL
United States District Judge