

1 BENJAMIN B. WAGNER
2 United States Attorney
3 HEATHER MARDEL JONES
4 Assistant U.S. Attorney
5 2500 Tulare Street, Suite 4401
6 Telephone: (559) 497-4000
7 Facsimile: (559) 497-4099

8 Attorneys for the United States

9
10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13
14 UNITED STATES OF AMERICA,) 1:09-CV-00470-LJO-SMS
15 v.) Plaintiff,)
16 APPROXIMATELY \$14,985.00 IN)
U.S. CURRENCY,)
Defendant.)

)

**DEFAULT JUDGMENT AND FINAL
JUDGMENT OF FORFEITURE**

17 This matter is before the Court on plaintiff United States' *Ex Parte* Motion
18 for Default Judgment and Final Judgment of Forfeiture filed May 11, 2011. The
19 Magistrate Judge has recommended that the United States' motion for default
20 judgment be granted. The time for objecting to the Findings and Recommendations
21 Regarding Plaintiff's *Ex Parte* Application for Default Judgment have passed and
22 no timely objections have been filed. An Order Adopting Findings and
23 Recommendations Recommending Entry of Default Judgment and Final Forfeiture
24 Judgment in Favor of Plaintiff was filed on July 27, 2011. Based on the Magistrate
25 Judge's Findings and Recommendations Regarding Plaintiff's *Ex Parte* Application
26 for Default Judgment, the Order Adopting Findings and Recommendations
27 Recommending Entry of Default Judgment and Final Forfeiture Judgment in Favor
28 of Plaintiff, and the files and records of the Court, it is

1 ORDERED, ADJUDGED, AND DECREED:

2 1. The Court adopts the Magistrate Judge's July 5, 2011, Findings and
3 Recommendations Regarding Plaintiff's *Ex Parte* Application for Default Judgment
4 in full.

5 2. Marcos Fernandez and Maria Teresa Garcia are held in default.

6 3. A judgment by default is hereby entered against any right, title, or
7 interest in the defendant approximately \$14,985.00 in U.S. Currency of Marcos
8 Fernandez, Maria Teresa Garcia, and all other potential claimants who have not
9 filed claims in this action.

10 4. A final judgment is hereby entered forfeiting all right, title, and
11 interest in the defendant approximately \$14,985.00 in U.S. Currency, to be disposed
12 of according to law, including all right, title, and interest of Marcos Fernandez and
13 Maria Teresa Garcia.

14 5. All parties shall bear their own costs and attorneys' fees.

15 IT IS SO ORDERED.

16 Dated: July 28, 2011

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

19
20
21
22
23
24
25
26
27
28