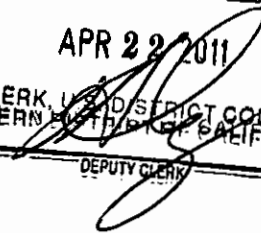


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**FILED**  
APR 22 2011  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

6 Attorneys for Plaintiff  
7

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

11 UNITED STATES OF AMERICA, ) 1:09-CV-01259-AWI-GSA  
12 Plaintiff, ) **FINAL JUDGMENT OF FORFEITURE**  
13 v. )  
14 APPROXIMATELY \$10,005.00 IN U.S. )  
15 CURRENCY, )  
16 Defendant. )

United States v. Approximately &#036;10,005.00 in U.S. Currency

Doc. 31

17 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein, the Court finds:

18 1. This is a civil forfeiture action against defendant approximately \$10,005.00 in U.S.  
19 Currency (hereafter "defendant currency").

20 2. A Verified Complaint for Forfeiture *In Rem* was filed on July 20, 2009, seeking the  
21 forfeiture of the defendant currency, alleging the defendant currency is subject to forfeiture to the  
22 United States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant currency  
23 constitutes moneys or other things of value furnished or intended to be furnished in exchange for a  
24 controlled substance or listed chemical, all proceeds traceable to such an exchange and/or was used  
25 or intended to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*

26 3. On July 21, 2009, in accordance with the Complaint, a Warrant for Arrest of Articles  
27 *In Rem* for the defendant currency was issued and duly executed on the defendant currency on July  
28 24, 2009.

1           4.       Beginning on July 24, 2009, for at least 30 consecutive days, the United States  
2 published notice of this action on the official government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov). A  
3 Declaration of Publication was filed on August 28, 2009.

4           5.       In addition to the publication of the forfeiture action, actual notice was personally  
5 served upon Francisco Avila and Pancho's Auto Sales. To date, only Francisco Avila has filed a  
6 claim and answer to this action. No other parties have filed claims or answers in this matter, and the  
7 time for which any person or entity may file a claim and answer has expired.

8           6.       The Clerk of the Court entered a Clerk's Certificate of Entry of Default against  
9 Pancho's Auto Sales on September 22, 2009. Pursuant to Local Rule 540, the United States and  
10 claimant Francisco Avila thus join in a request that as part of this Final Judgment of Forfeiture in  
11 this case the Court enter a default judgment against the interest, if any, of Pancho's Auto Sales.

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

13           ORDERED AND ADJUDGED:

14           1.       The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and  
15 between the parties to this action.

16           2.       Judgment is hereby entered against Francisco Avila, Pancho's Auto Sales, and all  
17 other potential claimants who have not filed claims in this action.

18           3.       Upon entry of a Final Judgment of Forfeiture, \$6,503.25 of the defendant  
19 approximately \$10,005.00 in U.S. Currency, together with any interest that may have accrued on the  
20 full \$10,005.00 amount, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to  
21 be disposed of according to law.

22           4.       Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days  
23 thereafter, \$3,501.75 of the defendant approximately \$10,005.00 in U.S. Currency shall be returned  
24 to claimant Francisco Avila, through his attorney Victor M. Perez, 1304 W. Center Street, Visalia,  
25 California 93277.

26           5.       Plaintiff United States of America and its servants, agents, and employees, and all  
27 other public entities, their servants, agents, and employees, are released from any and all liability  
28 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant

1 currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or  
2 damages arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed.  
3 The parties to this stipulation agree to waive the provisions of California Civil Code § 1542.

4 6. Claimant Francisco Avila hereby waives any and all claim or right to interest that may  
5 have accrued on the defendant currency, or any portion thereof.

6 7. There was reasonable cause for the seizure and arrest of the defendant currency and  
7 the Court may enter a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465.

8 8. All parties will bear their own costs and attorneys' fees.

9 SO ORDERED THIS 21<sup>st</sup> day of April, 2011.

10  
11   
12 ANTHONY W. ISHII  
Chief United States District Judge

13 CERTIFICATE OF REASONABLE CAUSE

14 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed July 20,  
15 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this  
16 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for  
17 seizure of the defendant currency.

18 Dated: 9-21-11

19   
20 ANTHONY W. ISHII  
Chief United States District Judge