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

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11 UNITED STATES OF AMERICA,)	1:09-CV-01349-LJO-GSA
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
13 v.)	
14 APPROXIMATELY \$9,500.00 IN U.S.)	
15 CURRENCY,)	
16 Defendant.)	

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 \$9,500.00 in U.S.
 19 Currency (hereafter “defendant currency”).

20 2. A Verified Complaint for Forfeiture *In Rem* was filed on July 31, 2009, seeking the
 21 forfeiture of the defendant currency, alleging the currency constitutes moneys or other things of value
 22 furnished or intended to be furnished in exchange for a controlled substance or listed chemical, all
 23 proceeds traceable to such an exchange and/or was used or intended to be used to facilitate one or
 24 more violations of 21 U.S.C. § 841 *et seq.*, and is subject to forfeiture to the United States of
 25 America pursuant to 21 U.S.C. § 881(a)(6).

26 3. On August 3, 2009, in accordance with the Complaint, a Warrant for Arrest of
 27 Articles *In Rem* for the defendant currency was issued and duly executed on August 6, 2009.

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1 4. Beginning on August 6, 2009, for at least 30 consecutive days, the United States
2 published notice of the forfeiture action on the official internet government forfeiture site
3 www.forfeiture.gov. A Declaration of Publication was filed on October 16, 2009.

4 5. In addition to the public notice of forfeiture having been completed, actual notice was
5 personally served upon Navy Riel and Malay Phita Riel. To date, only Navy Riel has filed a claim
6 and answer to this action. No other parties have filed claims or answers in this matter, and the time
7 for which any person or entity may file a claim and answer has expired.

8 6. Claimant Navy Riel and potential claimant Malay Phita Riel represent and warrant
9 that they are the sole owners of the defendant currency.

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

11 ORDERED AND ADJUDGED:

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

14 2. Judgment is hereby entered against Navy Riel, Malay Phita Riel, and all other
15 potential claimants who have not filed claims in this action.

16 3. Upon entry of a Final Judgment of Forfeiture, \$4,750.00 of the defendant
17 approximately \$9,500.00 in U.S. Currency, together with any interest that may have accrued on the
18 whole amount of the defendant currency, shall be forfeited to the United States pursuant to 21 U.S.C.
19 § 881(a)(6), to be disposed of according to law.

20 4. Upon entry of a Final Judgment of Forfeiture herein, but no later than 45 days
21 thereafter, \$4,750.00 of the defendant approximately \$9,500.00 in U.S. Currency shall be returned
22 to claimant Navy Riel through his attorney Anthony P. Capozzi, 1233 W. Shaw Avenue, Suite 102,
23 Fresno, California 93711, (559) 221-0200.

24 5. Plaintiff United States of America and its servants, agents, and employees, and all
25 other public entities, their servants, agents, and employees, are released from any and all liability
26 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant
27 currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or
28 damages arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed.

1 The parties to this stipulation agree to waive the provisions of California Civil Code § 1542.

2 6. Claimant Navy Riel and potential claimant Malay Phita Riel hereby waive any and
3 all claim or right to interest that may have accrued on the defendant currency, or any portion thereof.

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

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

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8 CERTIFICATE OF REASONABLE CAUSE

9 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed July 31,
10 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
11 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
12 seizure of the defendant currency.
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14 IT IS SO ORDERED.

15 **Dated: June 2, 2010**

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