

1 BENJAMIN B. WAGNER
 United States Attorney
 2 DEANNA L. MARTINEZ
 Assistant United States Attorney
 3 United States Courthouse
 2500 Tulare Street, Suite 4401
 4 Fresno, California 93721
 Telephone: (559) 497-4000
 5 Facsimile: (559) 497-4099

6 Attorneys for Plaintiff

7
8

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

9
10

11 UNITED STATES OF AMERICA,)	1:09-CV-01523-LJO-SMS
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
13 v.)	
14 APPROXIMATELY \$311,800.00 IN U.S. CURRENCY,)	
15 Defendant.)	
16 _____		

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 \$311,800.00 in U.S.
19 Currency (hereafter “defendant currency”).

20 2. A Verified Complaint for Forfeiture *In Rem* was filed on August 27, 2009, seeking
 21 the forfeiture of the defendant currency, alleging said currency is subject to forfeiture to the United
 22 States of America pursuant to 21 U.S.C. § 881(a)(6) because the defendant currency constitutes
 23 moneys or other things of value furnished or intended to be furnished in exchange for a controlled
 24 substance or listed chemical, all proceeds traceable to such an exchange and/or was used or intended
 25 to be used to facilitate one or more violations of 21 U.S.C. § 841 *et seq.*

26 3. On September 3, 2009, in accordance with said Complaint, a Warrant for Arrest of
27 Articles *In Rem* for the defendant currency was issued and duly executed on September 10, 2009.

28 ///

1 4. Public notice of the forfeiture action was published on the official internet
2 government forfeiture site www.forfeiture.gov for at least 30 consecutive days beginning September
3 19, 2009, as required by Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and
4 Asset Forfeiture Actions. The Declaration of Publication was filed with the Court on November 5,
5 2009.

6 5. In addition to the publication of the forfeiture action, actual notice was personally
7 served upon claimant Noel Castillo and Denice Hector. Claimant Noel Castillo filed a claim and an
8 Answer in this action. No other parties have filed claims or answers in this matter, and the time for
9 which any person or entity may file a claim and answer has expired.

10 6. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against Denice
11 Hector on November 17, 2009. Pursuant to Local Rule 540, the United States and claimant Noel
12 Castillo thus join in a request that as part of this Final Judgment of Forfeiture in this case the Court
13 enter a default judgment against the interests if any, of Denice Hector.

14 7. Claimant Noel Castillo represents and warrants that he is the sole owner of the
15 defendant currency.

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

17 ORDERED AND ADJUDGED:

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

20 2. Judgment is hereby entered against Noel Castillo, Denice Hector, and all other
21 potential claimants who have not filed claims in this action.

22 3. Upon entry of a Final Judgment of Forfeiture, the defendant approximately
23 \$311,800.00 in U.S. Currency, together with any interest that may have accrued on this amount, shall
24 be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to
25 law.

26 4. 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

1 arising out of or in any way connected with the arrest, seizure, or forfeiture of the defendant
2 currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or
3 damages arising out of said arrest, seizure, or forfeiture, as well as to those now known or disclosed.

4 The parties waive the provisions of California Civil Code § 1542.

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

7 6. All parties shall bear their own costs and attorneys' fees.

8 IT IS SO ORDERED. MY SIGNATURE IN THE CERTIFICATE OF REASONABLE CAUSE
9 IS INTENDED TO BE THE SIGNATURE FOR THE ORDER AS WELL.

10
11 CERTIFICATE OF REASONABLE CAUSE

12 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed August 27,
13 2009, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this
14 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
15 the seizure and arrest of the defendant currency.

16 IT IS SO ORDERED.

17 **Dated: January 21, 2010**

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