BENJAMIN B. WAGNER 1 United States Attorney HEATHER MARDEL JONES Assistant U.S. Attorney 3 2500 Tulare Street, Suite 4401 Fresno, California 93721 4 Telephone: (559) 497-4000 Facsimile: (559) 497-4099 5 Attorneys for the United States 6 7 IN THE UNITED STATES DISTRICT COURT FOR THE 8 9 EASTERN DISTRICT OF CALIFORNIA 10 UNITED STATES OF AMERICA, 11 1:10-CV-01318-AWI-GSA Plaintiff, 12 FINAL JUDGMENT OF FORFEITURE 13 v. 14 APPROXIMATELY \$25,665.00 IN U.S. CURRENCY, 15 Defendant. 16 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds: 17 18 This is a civil forfeiture action against the defendant approximately 1. 19 \$25,665.00 in U.S. Currency (hereafter "defendant currency") seized on or about 20 February 4, 2010. 2.A Verified Complaint for Forfeiture In Rem ("Complaint") was filed on 21 July 21, 2010, alleging that said defendant currency is subject to forfeiture to the 22 23 United States of America pursuant to 21 U.S.C. § 881(a)(6). 3. On September 21, 2010, the Clerk issued a Warrant for Arrest for the 24 25 defendant currency. The warrant for the defendant currency was duly executed on September 30, 2010. 26 27 Beginning on August 29, 2010, for at least 30 consecutive days, the 4. 28 United States published notice of this action on the official government forfeiture

- 5. In addition to the public notice on the official internet government forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:
 - a. Inpanh Chanthavongsa
 - b. Savean Suon

- c. Julius Cruz, attorney
- d. Sosi Vogt, attorney
- 6. Inpanh Chanthavongsa and Savean Suon each filed claims and answers in this action. Besides claimants, no other parties have filed claims or answers in this matter, and the time in which any person or entity may file a claim and answer has expired.

Based on the above findings, and the files and records of the Court, it is hereby ORDERED AND ADJUDGED:

- 1. Upon entry of this Final Judgment of Forfeiture, \$22,456.88 of the defendant approximately \$25,665.00 in U.S. Currency, together with any interest that has accrued on the entire \$25,665.00, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.
- 2. Upon entry of this Final Judgment of Forfeiture, but no later than 45 days thereafter, \$3,208.12 of the defendant approximately \$25,665.00 in U.S. Currency shall be returned to claimants Inpanh Chanthavongsa and Savean Suon through their attorneys Julius Cruz and Sosi Vogt, 2150 Tulare Street, First Floor, Fresno, California 93721, (559) 266-9800.
- 3. The United States of America and its servants, agents, and employees and all other public entities, their servants, agents, and employees, are released from any and all liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or damages arising out of

said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The parties to this agreement agree to waive the provisions of California Civil Code § 1542.

- 4. That pursuant to the stipulation of the parties, and the allegations set for the Complaint filed on July 21, 2011, the Court finds that there was reasonable cause for arrest and seizure of the defendant currency, and for the commencement and prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.
 - 5. All parties are to bear their own costs and attorneys fees.
- 6. The U.S. District Court for the Eastern District of California, Hon.

 Anthony W. Ishii, Chief District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the Complaint filed July 21, 2011, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure or arrest of the defendant currency, and for the commencement and prosecution of this forfeiture action.

IT IS SO ORDERED.

Dated: <u>October 7, 2011</u>

CHIEF UNITED STATES DISTRICT JUDGE