

1 J. PATRICK McCARTHY
 Attorney at Law, #41920
 2 901 H Street, Suite 304
 Sacramento, CA 95814
 3 (916) 442-1932
 e-mail: patmccarthy901@hotmail.com

4
5 Attorney for Claimant

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,)
 10)
 Plaintiff,)
 11)
 vs.)
 12)
 APPROXIMATELY \$129,190.00)
 13 IN US CURRENCY, and)
 14)
 APPROXIMATELY \$ 10,100.00)
 15 IN US CURRENCY,)
 16 Defendants.)

Case No.: 1:10-cv-01565-SKO

**STIPULATION AND ORDER TO
 WITHDRAW THE CLAIM AND
 ANSWER OF ARGENIS AMITT
 NEVAREZ WITH DEFAULT JUDGMENT**

17 CIPRIANO ESTRADA,)
 18)
 ARGENIS AMITT NEVAREZ,)
 19)
 Claimants.)

20 It is hereby stipulated by and between the United States and Claimant Argenis
 21 Amitt Nevarez as follows:

22 1. Claimant Argenis Amitt Nevarez hereby irrevocably withdraws and releases
 23 with prejudice the verified claim and answer he filed in this civil forfeiture action;
 24 consents to entry of a default and default judgment against any interest he holds in the
 25 currency named as defendants; and consents to forfeiture of the defendant assets.

Stipulation & Order to
 Withdraw the Claim and Answer
 of Argenis Amitt Nevarez, With Default Judgment

1 2. Nothing in this Stipulation shall be construed as an admission of liability, fault
2 or wrongdoing by any party.

3 3. Each party shall bear his or its own costs and attorneys fees.

4 4. The parties and their undersigned attorneys agree to execute and deliver
5 such other and further documents as may be required to carry out the terms of this
6 Stipulation.

7 5. Each person signing this Stipulation warrants and represents that he or it
8 possess full authority to bind the party upon whose behalf he or it is signing to the terms
9 of this Stipulation.

10 6. Each party warrants and represents that no promises, inducements or other
11 agreements not expressly contained herein have been made; that this Stipulation
12 contains the entire agreement between the parties; and that the terms of this Stipulation
13 are contractual and not mere recitals. All prior oral understandings, agreements and
14 writing are superseded by this Stipulation and are of no force or effect.

15 7. Each party represents that he or it understands the content of this Stipulation
16 and enters it voluntarily, and has not been influenced by any person acting on behalf of
17 any other party.

18
19 Dated: November 1, 2011

BENJAMIN B. WAGNER
United States Attorney

20
21 /s/ Heather Mardel Jones
22 HEATHER MARDEL JONES
23 Assistant United States Attorney

24 Dated: November 1, 2011

25 /s/ J. Patrick McCarthy
J. PATRICK McCARTHY, Attorney for
Claimant, Argenis Amitt Nevarez

1 **ORDER**

2
3 IT IS HEREBY ORDERED that the claim and answer of Argenis Amitt
4 Nevarez are withdrawn with prejudice, and that a default judgment is entered against
5 him.

6
7 IT IS SO ORDERED.

8 Dated: November 2, 2011

9 /s/ Sheila K. Oberto
10 UNITED STATES MAGISTRATE JUDGE