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5 Attorney for Claimant

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

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 CIPRIANO ESTRADA
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 Cipriano
21 Estrada as follows:

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

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
13 Stipulation are contractual and not mere recitals. All prior oral understandings,
14 agreements and writing are superseded by this Stipulation and are of no force or effect.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 30, 2011

BENJAMIN B. WAGNER
United States Attorney

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

24 Dated: November 28, 2011

/s/ J. Patrick McCarthy
25 J. PATRICK McCARTHY, Attorney for
Claimant, Cipriano Estrada

1 **ORDER**

2
3 IT IS HEREBY ORDERED that:

- 4 1. The claim and answer of Cipriano Estrada are withdrawn with prejudice;
- 5 2. The Clerk of Court is DIRECTED to
- 6 a. Enter the default of Cipriano Estrada;
- 7 b. Enter default judgment against Cipriano Estrada;
- 8 3. Pursuant to the stipulated agreement of the parties (Doc. 43), which was
- 9 approved and granted by the Court, the claim and answer of claimant
- 10 Argenis Nevarez have been withdrawn with prejudice. (Doc. 44.) The
- 11 Clerk of Court is DIRECTED to
- 12 a. Enter the default of Argenis Nevarez;
- 13 b. Enter default judgment against Argenis Nevarez; and
- 14 4. This case shall **not** be closed.
- 15
- 16
- 17

18 IT IS SO ORDERED.

19 Dated: **December 5, 2011**

20 **/s/ Sheila K. Oberto**
21 UNITED STATES MAGISTRATE JUDGE