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

| | | |
|--------------------------------------|---|----------------------------------|
| 11 UNITED STATES OF AMERICA, |) | 1:10-CV-01936-LJO-SKO |
| |) | |
| 12 Plaintiff, |) | APPLICATION AND ORDER FOR |
| |) | PUBLICATION |
| 13 v. |) | |
| |) | |
| 14 |) | |
| |) | |
| 15 APPROXIMATELY \$19,458.63 IN U.S. |) | |
| CURRENCY SEIZED FROM JP |) | |
| 16 MORGAN CHASE BANK ACCOUNT |) | |
| NUMBER 4496753827, HELD IN THE |) | |
| 17 NAME OF AGUSTIN GAMEZ, and |) | |
| |) | |
| 18 APPROXIMATELY \$2,375.00 IN U.S. |) | |
| CURRENCY, |) | |
| |) | |
| 19 Defendants. |) | |
| 20 |) | |

21 The United States of America, Plaintiff herein, applies for an order of publication as
 22 follows:

- 23 1. Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
 24 Forfeiture Actions (hereafter "Supplemental Rules") provides that the Plaintiff shall cause public
 25 notice of the action to be given in a newspaper of general circulation or on the official internet
 26 government forfeiture site;
- 27 2. Local Rule 171, Eastern District of California, provides that the Court shall
 28 designate by order the appropriate newspaper or other vehicle for publication;

1 3. The defendant approximately \$2,375.00 in U.S. Currency was seized on or about
2 April 9, 2010, at 4722 E. Simpson Avenue in Fresno, California. The defendant approximately
3 \$19,458.63 in U.S. Currency Seized From JP Morgan Chase Bank Account Number
4 4496753827, held in the name of Agustin Gamez, was seized on or about April 25, 2010. The
5 defendants approximately \$19,458.63 in U.S. Currency Seized From JP Morgan Chase Bank
6 Account Number 4496753827 held in the name of Agustin Gamez, and approximately \$2,375.00
7 in U.S. Currency (hereafter collectively "defendant funds") are in the custody of the U.S.
8 Marshals Service, Eastern District of California. The Drug Enforcement Administration
9 published notice of the nonjudicial forfeiture of the defendant funds on July 6, 13, and 20, in the
10 *Wall Street Journal*.

11 4. Plaintiff proposes that publication be made as follows:
12 a. One publication;
13 b. Thirty (30) consecutive days;
14 c. On the official internet government forfeiture site www.forfeiture.gov;
15 d. The publication is to include the following:
16 (1) The Court and case number of the action;
17 (2) The date of the seizure/posting;
18 (3) The identity and/or description of the property seized/posted;
19 (4) The name and address of the attorney for the Plaintiff;
20 (5) A statement that claims of persons entitled to possession or
21 claiming an interest pursuant to Supplemental Rule G(5) must be filed with the Court and served
22 on the attorney for the Plaintiff no later than 60 days after the first day of publication on the
23 official internet government forfeiture site; and
24 (6) A statement that answers to the Complaint or a motion under Rule
25 12 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") must be filed and served within 21
26 days after the filing of the claims and, in the absence thereof, default may be entered and

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1 condemnation ordered.

2 Dated: October 22, 2010

BENJAMIN B. WAGNER
United States Attorney

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/s/ Deanna L. Martinez
DEANNA L. MARTINEZ
Assistant United States Attorney

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6 IT IS SO ORDERED.

7 Dated: October 30, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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