

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  
 9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,	)	1:10-mc-0017-AWI-SMS
12 Plaintiff,	)	<b>CONSENT JUDGMENT OF FORFEITURE</b>
13 v.	)	
14 ONE MANURHIN PISTOLET, MODEL 15 P1, CALIBER 9MM FIREARM,	)	
16 Defendant.	)	
<hr/>		
17 BRIAN BINNEY,	)	
18 Potential Claimant.	)	
<hr/>		

19

20 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

21 1. On March 11, 2010, Brian Binney was indicted pursuant to 18 U.S.C. § 922(g)(1).  
 22 The Indictment included a forfeiture count pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)  
 23 and listed the above-captioned property.

24 2. On or about February 25, 2010, officers of the Central Valley Gang Impact Task  
 25 Force (hereafter "CV-GIT") and other assisting law enforcement officers conducted a parole search  
 26 of Brian Binney and his vehicle. In searching the vehicle, officers located a backpack containing a  
 27 locked nylon bag. Officers searched Brian Binney's person and located a key which opened the  
 28 nylon bag where officers located a loaded semi-automatic 9mm Manurhin Pistolet P1 handgun

1 (hereafter “defendant firearm”), a holster, and three magazines. Brian Binney also has multiple prior  
2 felony convictions.

3 3. On or about March 29, 2010, a plea agreement was entered in *U.S. v. Brian Binney*,  
4 1:10-CR-00110-AWI, wherein Brian Binney pled guilty to a violation of 18 U.S.C. § 922(g)(1) -  
5 Felon in Possession of a Firearm. Brian Binney has agreed to forfeit to the United States voluntarily  
6 and immediately all of his right, title, and interest to any and all assets subject to forfeiture as set  
7 forth in the Indictment. The defendant firearm was listed in the forfeiture allegation of the  
8 Indictment. Brian Binney’s agreement to forfeit the defendant firearm was inadvertently left out of  
9 the plea agreement.

10 4. Brian Binney acknowledges that he is the sole owner of the defendant firearm and that  
11 no other person or entity has any legitimate claim of interest therein. Should any person or entity  
12 institute any kind of claim or action against the government with regard to its forfeiture of the  
13 defendant firearm, Brian Binney shall hold harmless and indemnify the United States, as set forth  
14 below.

15 5. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and 1355,  
16 as this is the judicial district in which acts or omissions giving rise to the forfeiture occurred.

17 6. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in  
18 which the property was seized.

19 7. The parties herein desire to settle this matter pursuant to the terms of a duly executed  
20 Stipulation for Consent Judgment of Forfeiture.

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

23 8. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by  
24 and between the parties.

25 9. All right, title, and interest in the defendant firearm seized on or about February 25,  
26 2010, shall be forfeited to the United States pursuant to 18 U.S.C. § 924(d), to be disposed of  
27 according to law.

28 ///

