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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELL XPS 400 COMPUTER, SERIAL
 NO. JN2QP91,

Defendant.

MICHAEL MATHER,

Potential Claimant.

) 1:10-MC-00056-AWI

) **CONSENT JUDGMENT OF FORFEITURE**

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

1. On October 15, 2009, Michael Mather was indicted pursuant to 18 U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B). The Indictment included a forfeiture allegation pursuant to 18 U.S.C. § 2253 and listed the above-captioned property.

2. On or about August 6, 2009, officers obtained a search warrant for Michael Mather's residence. Said warrant was duly executed on August 18, 2009. Officers subsequently located and seized a DELL XPS 400 Computer, Serial No. JN2QP91 (hereafter "defendant computer").

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1 3. On or about September 17, 2010, a plea agreement was entered in *U.S. v. Michael*
2 *Mather*, 1:09-CR-00412-AWI, wherein Michael Mather pled guilty to a violation of 18 U.S.C. §
3 2252(a)(4)(B) - Possession of Material Involving the Sexual Exploitation of Minors. Michael
4 Mather has agreed to forfeit to the United States voluntarily and immediately all of his right, title,
5 and interest to any and all assets subject to forfeiture as set forth in the Indictment. The defendant
6 computer was listed in the forfeiture allegation of the Indictment. Michael Mather's agreement to
7 forfeit the defendant computer was inadvertently left out of the plea agreement.

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

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

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

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

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

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

23 9. All right, title, and interest in the defendant DELL XPS 400 Computer, Serial No.
24 JN2QP91 seized on or about August 18, 2009, shall be forfeited to the United States pursuant to 18
25 U.S.C. § 2254, to be disposed of according to law.

26 10. Plaintiff United States of America and its servants, agents, and employees and all
27 other public entities, their servants, agents and employees, are released from any and all liability
28

1 arising out of or in any way connected with the seizure and forfeiture of the defendant computer.
2 This is a full and final release applying to all unknown and unanticipated injuries, and/or damages
3 arising out of said seizure and forfeiture, as well as to those now known or disclosed. The parties
4 to this agreement agree to waive the provisions of California Civil Code § 1542, which provides: "**A**
5 **general release does not extend to claims which the creditor does not know or suspect to exist**
6 **in his or her favor at the time of executing the release, which if known by him or her must have**
7 **materially affected his or her settlement with the debtor.**"

8 11. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court
9 finds that there was reasonable cause for the seizure of the defendant computer, and a Certificate of
10 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

11 12. All parties will bear their own costs and attorneys' fees.

12 **CERTIFICATE OR REASONABLE CAUSE**

13 Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court enters
14 this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause
15 for the seizure of the above-described computer.
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17 IT IS SO ORDERED.

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19 Dated: January 4, 2011

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CHIEF UNITED STATES DISTRICT JUDGE