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 8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)	1:11-CV-01000-AWI-GSA
12 Plaintiff,)	FINAL JUDGMENT OF FORFEITURE
13 v.)	
14 APPROXIMATELY \$6,822.00 IN U.S.)	
15 CURRENCY,)	
16 Defendant.)	

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

18 1. This is a civil forfeiture action against the defendant approximately
 19 \$6,822.00 in U.S. Currency (hereafter “defendant currency”) seized on or about
 20 December 23, 2010.

21 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
 22 June 16, 2011, alleging that said defendant currency is subject to forfeiture to the
 23 United States of America pursuant to 21 U.S.C. § 881(a)(6). An *Amended*^{1/} Verified
 24 Complaint for Forfeiture *In Rem*, (“*Amended Complaint*”) was filed on June 17,
 25 2011, alleging that said defendant currency is subject to forfeiture to the United
 26 States of America pursuant to 21 U.S.C. § 881(a)(6).

27 3. On June 29, 2011, the Clerk issued a Warrant for Arrest for the
 28 defendant currency. The warrant for the defendant currency was duly executed on

^{1/} The *Amended Complaint* was filed solely to correct typographical errors.

1 July 19, 2011.

2 4. Notice of the Forfeiture Action is pending publication on the official
3 internet government forfeiture site www.forfeiture.gov.

4 5. In addition to the public notice on the official internet government
5 forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to
6 the following individuals:

7 a. Eduardo Montes Herrera

8 b. Jorge Herrera Montes

9 c. Daniel A. Bacon, attorney

10 6. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
11 against Jorge Herrera Montes on September 16, 2011. Pursuant to Local Rule 540,
12 the United States and potential claimant Eduardo Montes Herrera joined in a
13 request that as part of this Final Judgment of Forfeiture in this case the Court
14 enter a default judgment against the interest, if any, of Jorge Herrera Montes.

15 7. No parties have filed claims or answers in this matter, and the time in
16 which any person or entity may file a claim and answer has expired.

17 Based on the above findings, and the files and records of the Court, it is
18 hereby ORDERED AND ADJUDGED:

19 1. The Court adopts the Stipulation for Final Judgment of Forfeiture
20 entered into by and between the parties to this action.

21 2. That judgment is hereby entered against potential claimants Eduardo
22 Montes Herrera, Jorge Herrera Montes, and all other potential claimants who have
23 not filed claims in this action.

24 3. Upon entry of this Final Judgment of Forfeiture, \$5,422.00 of the
25 defendant approximately \$6,822.00 in U.S. Currency, together with any interest
26 that has accrued on the entire \$6,822.00, shall be forfeited to the United States
27 pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

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1 4. Upon entry of this Final Judgment of Forfeiture, but no later than 45
2 days thereafter, \$1,400.00 of the defendant approximately \$6,822.00 in U.S.
3 Currency shall be returned to potential claimant Eduardo Montes Herrera through
4 his attorney Daniel A. Bacon, 5200 North Palm Avenue, Suite 408, Fresno,
5 California 93704-2225, (559) 241-7000.

6 5. That the United States of America and its servants, agents, and
7 employees and all other public entities, their servants, agents, and employees, are
8 released from any and all liability arising out of or in any way connected with the
9 seizure, arrest, or forfeiture of the defendant currency. This is a full and final
10 release applying to all unknown and unanticipated injuries, and/or damages arising
11 out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed.
12 The parties waived the provisions of California Civil Code § 1542.

13 6. That pursuant to the stipulation of the parties, and the allegations set
14 for the *Amended* Complaint filed on June 17, 2011, the Court finds that there was
15 reasonable cause for arrest and seizure of the defendant currency, and for the
16 commencement and prosecution of this forfeiture action, and a Certificate of
17 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

18 7. All parties are to bear their own costs and attorneys fees.

19 8. The U.S. District Court for the Eastern District of California, Hon.
20 Anthony W. Ishii, Chief District Judge, shall retain jurisdiction to enforce the terms
21 of this Final Judgment of Forfeiture.

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CERTIFICATE OF REASONABLE CAUSE

Based upon the allegations set forth in the *Amended* Complaint filed July 17, 2011, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure or arrest of the defendant currency, and for the commencement and prosecution of this forfeiture action.

IT IS SO ORDERED.

Dated: January 4, 2012



CHIEF UNITED STATES DISTRICT JUDGE