

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 HEATHER MARDEL JONES  
 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 the United States

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

11 UNITED STATES OF AMERICA,	)	1:11-CV-01937-AWI-DLB
12 Plaintiff,	)	<b>APPLICATION AND ORDER FOR</b>
13 v.	)	<b>PUBLICATION</b>
14	)	
15 APPROXIMATELY \$7,624.85 IN	)	
U.S. CURRENCY,	)	
16 APPROXIMATELY \$6,099.37 IN	)	
U.S. CURRENCY SEIZED FROM	)	
17 RIVER CITY BANK	)	
ACCOUNT NUMBER 1810009790,	)	
18 and	)	
19 APPROXIMATELY \$17,316.20 IN	)	
U.S. CURRENCY SEIZED FROM	)	
20 WELLS FARGO BANK	)	
ACCOUNT NUMBER 8123978010,	)	
21	)	
22 Defendants.	)	

23  
 24 The United States of America, Plaintiff herein, applies for an order of  
 25 publication as follows:

- 26 1. Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims  
 27 and Asset Forfeiture Actions (hereafter "Supplemental Rules") provides that the  
 28 Plaintiff shall cause public notice of the action to be given in a newspaper of general

1 circulation or on the official internet government forfeiture site;

2 2. Local Rule 171, Eastern District of California, provides that the Court  
3 shall designate by order the appropriate newspaper or other vehicle for publication;

4 3. The defendants approximately \$7,624.85 in U.S. Currency (hereafter  
5 “defendant currency”), approximately \$6,099.37 in U.S. Currency seized from River  
6 City Bank account number 1810009790, and approximately \$17,316.20 in U.S.  
7 Currency seized from Wells Fargo Bank account number 8123978010 (hereafter  
8 collectively “defendant funds”), were seized on or about May 25, 2011, at 16044 Via  
9 Este Road in Sonora, California and 3020 Floyd Avenue in Modesto, California,  
10 respectively and are in the custody of the U.S. Marshals Service, Eastern District of  
11 California. The Drug Enforcement Administration published notice of the non-  
12 judicial forfeiture of the defendant funds on August 15, 22, and 29, 2011, in the  
13 *Wall Street Journal*. The Drug Enforcement Administration published notice of the  
14 non-judicial forfeiture of the defendant currency on August 29, September 5, and  
15 September 12, 2011, in the *Wall Street Journal*.

16 4. Plaintiff proposes that publication be made as follows:

- 17 a. One publication;  
18 b. Thirty (30) consecutive days;  
19 c. On the official internet government forfeiture site

20 [www.forfeiture.gov](http://www.forfeiture.gov);

21 d. The publication is to include the following:

- 22 (1) The Court and case number of the action;  
23 (2) The date of the seizure/posting;  
24 (3) The identity and/or description of the property

25 seized/posted;

26 (4) The name and address of the attorney for the Plaintiff;

27 (5) A statement that claims of persons entitled to possession

28 or claiming an interest pursuant to Supplemental Rule G(5) must be filed with the

1 Court and served on the attorney for the Plaintiff no later than 60 days after the  
2 first day of publication on the official internet government forfeiture site; and

3 (6) A statement that answers to the Complaint or a motion  
4 under Rule 12 of the Federal Rules of Civil Procedure must be filed and served  
5 within 21 days after the filing of the claims and, in the absence thereof, default may  
6 be entered and condemnation ordered.

7  
8 Dated: December 14, 2011

BENJAMIN B. WAGNER  
United States Attorney

9  
10 /s/ Heather Mardel Jones  
HEATHER MARDEL JONES  
Assistant United States Attorney

11  
12 **ORDER**

13 IT IS SO ORDERED.

14 Dated: December 14, 2011

15 /s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE