

1 BENJAMIN B. WAGNER  
2 United States Attorney  
3 JEFFREY A. SPIVAK  
4 Assistant United States Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, California 95814  
7 Telephone: (916) 554-2700  
8 Facsimile: (916) 554-2900

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10 Attorneys for Plaintiff United States of America

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12 IN THE UNITED STATES DISTRICT COURT  
13  
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

17 APPROXIMATELY \$40,000.00 IN U.S.  
18 CURRENCY,

19 Defendant.

20 CASE NO. 1:14-CV-01050-AWI-SKO

21  
22 **FINAL JUDGMENT OF FORFEITURE**

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

24 1. This is a civil action against approximately \$40,000.00 in U.S. Currency  
25 (hereafter "Defendant Currency").

26 2. The Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on July 3,  
27 2014, alleging that said Defendant Currency is subject to forfeiture to the United States of  
28 America pursuant to 21 U.S.C. § 881(a)(6).

29 3. On August 12, 2014, the Clerk issued a Warrant for Arrest for the Defendant  
30 Currency, which was duly executed.

31 4. Beginning on July 5, 2014, and continuing for at least 30 consecutive days, the

1 United States published notice of this action on the official government forfeiture site  
2 [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed with the Court on September  
3 15, 2014.

4 5. In addition to the public notice on the official internet government forfeiture site  
5 [www.forfeiture.gov](http://www.forfeiture.gov) , direct notice or attempted direct notice was given to the following  
6 individuals:

- 7 a. Ricardo Gutierrez
- 8 b. Victor Johannes Elliot
- 9 c. Wilo Nuñez, attorney

10 6. To date, no other parties have filed claims or answers in this matter, and the time  
11 in which any person or entity may file a claim and answer has expired.

12 7. Potential Claimants Ricardo Gutierrez and Victor Johannes Elliot represent and  
13 warrant that they are the sole owner of the Defendant Currency and that no other person  
14 or entity has any legitimate claim of interest therein. Should any person or entity  
15 institute any kind of claim or action against the United States with regard to its forfeiture  
16 of all or part of the Defendant Currency, Potential Claimants shall hold harmless and  
17 indemnify the United States.

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

20 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by  
21 and between the parties to this action, and incorporates it by reference herein.

22 2. That judgment is hereby entered against Potential Claimants Ricardo Gutierrez,  
23 Victor Johannes Elliot, and all other potential claimants who have not filed claims in this  
24 action.

25 3. Upon full execution of this Stipulation and entry of the Final Judgment of  
26 Forfeiture, \$36,000.00 in U.S. Currency of the Defendant Currency, together with any  
27 interest that may have accrued on the full amount of the Defendant Currency, shall be

1 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according  
2 to law.

3       4. Within 60 days of entry of the Final Judgment of Forfeiture herein or 60 days after  
4 Claimant has provided the necessary electronic funds transfer paperwork—whichever is  
5 later, \$4,000.00 of the Defendant Currency shall be returned to Potential Claimants via  
6 their counsel of record, Mr. Wilo Nuñez at 2675 Olive Street, Huntington Park, CA 90255.

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

14       6. That pursuant to the stipulation of the parties, and the allegations set forth in the  
15 Complaint filed on or about July 3, 2014, the Court finds that there was reasonable cause for  
16 the seizure and arrest of the Defendant Currency, and for the commencement and prosecution  
17 of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465  
18 shall be entered accordingly.

19       7. Pursuant to the Stipulation for Final Judgment of Forfeiture entered into between  
20 the parties, no party “substantially prevailed” within the meaning of 28 U.S.C. § 2465. All  
21 parties shall bear their own costs and attorney’s fees.

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8. The Court shall maintain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

## **CERTIFICATE OF REASONABLE CAUSE**

Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed July 3, 2014, and the Stipulation for Final Judgment of Forfeiture filed herewith, this 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.

IT IS SO ORDERED.

Dated: November 25, 2014

## **SENIOR DISTRICT JUDGE**