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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 APPROXIMATELY \$44,000.00 IN U.S.
 CURRENCY,
 15 Defendant.

CASE NO. 1:14-CV-01985-AWI-SKO
FINAL JUDGMENT OF FORFEITURE

16
 17 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herewith, the Court
 18 finds:

- 19 1. This is a civil forfeiture action against Approximately \$44,000.00 in U.S. Currency
 20 (hereafter "Defendant Currency").
- 21 2. A Verified Complaint for Forfeiture *In Rem* was filed on December 12, 2014,
 22 alleging that said Defendant Currency is subject to forfeiture pursuant to 21 U.S.C. §
 23 881(a)(6).
- 24 3. On December 15, 2014, the Clerk issued a Warrant for Arrest for the Defendant
 25 Currency. The warrant for the Defendant Currency was duly executed on December 18,
 26 2014.
- 27 4. Beginning on December 18, 2014, for at least 30 consecutive days, the United States
 28 published notice of this action on the official government forfeiture site www.forfeiture.gov. A

1 Declaration of Publication was filed on February 23, 2015.

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

- 4 a. Fabian Martinez
- 5 b. Kirk McAllister, Attorney at Law
- 6 c. Joanna Cardenas

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

9 8. On March 2, 2015, the United States sought and obtained a Clerk's Entry of
10 Default against Joanna Cardenas. Pursuant to Local Rule 540, the United States and
11 Potential Claimant Fabian Martinez thus join in a request that as part of the Final
12 Judgment of Forfeiture in this case the Court enter a Default Judgment against the
13 interests, if any, of Joanna Cardenas.

14 9. Potential Claimant represents and warrants that he is the sole owner of the
15 Defendant Currency and that no other person or entity has any legitimate claim of interest
16 therein.

17 10. No other parties have filed claims or answers in this matter, and the time for which
18 any person or entity may file a claim and answer has expired.

19 Based on the above findings, and the files and records of the Court, it is hereby

20 **ORDERED AND ADJUDGED:**

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

23 2. That judgment is hereby entered against Potential Claimant Fabian Martinez,
24 Joanna Cardenas and all other potential claimants who have not filed claims in this action.

25 3. Upon entry of a Final Judgment of Forfeiture \$40,000.00 in U.S. Currency of the
26 Defendant Currency, together with any interest that may have accrued on the full amount of
27 the Defendant Currency, shall be forfeited to the United States pursuant to 21 U.S.C. §
28 881(a)(6), to be disposed of according to law.

1 4. Upon entry of a Final Judgment of Forfeiture herein, but not later than 90 days
2 after the Court issues the Final Judgment of Forfeiture or 90 days after Potential Claimant
3 has provided the necessary electronic funds transfer paperwork—whichever is later, \$4,000.00
4 of the Defendant Currency, shall be returned to Potential Claimant via his counsel of record,
5 Mr. Kirk McAllister at 1012 11th Street, Modesto, CA 95354.

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

13 6. That pursuant to the stipulation of the parties, and the allegations set forth in the
14 Complaint filed on or about December 12, 2014, the Court finds that there was reasonable
15 cause for the seizure and arrest of the Defendant Currency, and for the commencement and
16 prosecution of this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28
17 U.S.C. § 2465 shall be entered accordingly.

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

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

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4 IT IS SO ORDERED.

5 Dated: April 3, 2015



6 SENIOR DISTRICT JUDGE

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8 **CERTIFICATE OF REASONABLE CAUSE**

9 Based upon the allegations set forth in the Complaint for Forfeiture *In Rem* filed
10 December 12, 2014, and the Stipulation for Final Judgment of Forfeiture filed herewith, this
11 Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there
12 was reasonable cause for the seizure or arrest of the Defendant Currency, and for the
13 commencement and prosecution of this forfeiture.

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15 IT IS SO ORDERED.

16 Dated: April 3, 2015



17 SENIOR DISTRICT JUDGE