

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

APPROXIMATELY \$460,520.00 IN U.S.
CURRENCY,

 Defendant.

1:15-cv-01878-AWI-MJS

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO GRANT
PLAINTIFF’S MOTION FOR DEFAULT
JUDGMENT AGAINST ALL POTENTIAL
CLAIMANTS**

(ECF Nos. 9 & 26)

On March 11, 2016, Plaintiff filed an ex parte motion for default judgment and final order of forfeiture. (ECF No. 9.)

On April 26, 2016, the Magistrate Judge assigned to this action issued a findings and recommendation recommending Plaintiff’s motion be granted and that all right, title, and interest in the Defendant funds be forfeited to the United States. (ECF No. 12. .) On May 26, 2016, the district court adopted in part the findings and recommendation, granting default judgment against potential claimants Plazola and Maya-Perez but ruling that it could not enter final judgment against all potential claimants because Plaintiff had failed to give direct notice to the registered owner and/or the purported owner of the vehicle, “Marcia.” (ECF No. 13.) Plaintiff was directed to provide supplemental briefing on this issue. (Id.)

On February 9, 2017, Plaintiff submitted a supplemental brief detailing the Government’s

1 efforts to serve notice on Marcia Salcido, the owner of the subject vehicle. (ECF No. 25.) On
2 March 22, 2017, the Magistrate Judge issued a findings and recommendation to grant Plaintiff's
3 motion for default in full. (ECF No. 26.) The Magistrate Judge imposed a fourteen day objection
4 deadline. The deadline passed and no objections were filed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
6 a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
7 findings and recommendation to be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed on March 22, 2017 (ECF No. 26) are
10 ADOPTED in full;
- 11 2. Plaintiff's ex parte motion for default judgment and final order of forfeiture (ECF No. 9)
12 is GRANTED;
- 13 3. Default judgement is GRANTED with respect to all potential claimants;
- 14 4. All right, title, and interest in the Defendant funds (approximately \$460,520.00) that
15 may be possessed by any and all potential claimants is FORFEITED to the United
16 States.

17 IT IS SO ORDERED.

18 Dated: April 6, 2017

19 
20 SENIOR DISTRICT JUDGE