

FILED

FEB 13 2017

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY _____
DEPUTY CLERK

1 PHILLIP A. TALBERT
United States Attorney
2 JEFFREY A. SPIVAK
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5 Attorneys for Plaintiff
United States of America

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

9 UNITED STATES OF AMERICA,
10 Plaintiff,

CASE NO. 1:16-CV-01684-AWI-MJS

FINAL JUDGMENT OF FORFEITURE

v.

12 APPROXIMATELY \$177,000.00 IN U.S.
CURRENCY, APPROXIMATELY \$5,000.00
13 IN U.S. CURRENCY, AND
14 APPROXIMATELY \$27,890.01 SEIZED
FROM WELLS FARGO BANK ACCOUNT
15 NUMBER ENDING 5498, HELD IN THE
NAME OF ANA RODRIGUEZ,

Defendants.

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

18 1. This is a civil forfeiture action against the Defendants Approximately \$177,000.00 in
19 U.S. Currency, Approximately \$5,000.00 in U.S. Currency, and Approximately \$27,890.01 seized from
20 Wells Fargo Bank Account Number Ending 5498, held in the name of Ana Rodriguez (hereafter
21 "Defendant Funds") seized on or about May 20, 2016, and June 9, 2016. The sum total of the Defendant
22 Funds is \$209,890.01.

23 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on November 4,
24 2016, alleging that said Defendant Funds are subject to forfeiture to the United States of America
25 pursuant to 21 U.S.C. § 881(a)(6).

26 3. On November 8, 2016, the Clerk issued a Warrant for Arrest for the Defendant Funds.
27 The warrant for the Defendant Funds was duly executed on November 10, 2016.
28

1 4. Beginning on November 11, 2016, for at least 30 consecutive days, the United States
2 published notice of this action on the official government forfeiture site www.forfeiture.gov. A
3 Declaration of Publication was filed on December 21, 2016.

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

- 6 a. Ana Rodriguez
- 7 b. Juan Huerta
- 8 c. Nicco Capozzi, attorney

9 6. On December 14, 2016, Ana Rodriguez (hereafter "Claimant") filed her verified claim to
10 the Defendant Funds. On January 4, 2017, she then filed her answer to the complaint. To date, no other
11 parties have filed claims or answers in this matter, and the time in which any person or entity may file a
12 claim and answer has expired.

13 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against Juan
14 Huerta on January 6, 2017. Pursuant to Local Rule 540, the United States and Claimant thus join in a
15 request that as part of this Final Judgment of Forfeiture the Court enter a default judgment against the
16 interests, if any, of Juan Huerta without further notice.

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

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

21 2. That judgment is hereby entered against Ana Rodriguez, Juan Huerta, and all other
22 potential claimants.

23 3. Upon entry of this Final Judgment of Forfeiture herein, \$146,923.00 of the Defendant
24 Approximately \$177,000.00 in U.S. Currency, together with any interest that has accrued on the entirety
25 of the Defendant Funds, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be
26 disposed of according to law.

27 4. Upon entry of this Final Judgment of Forfeiture herein, but no later than 45 days.
28 thereafter, the defendant approximately \$5,000.00 in U.S. Currency, the defendant approximately

1 \$27,890.01 seized from Wells Fargo Bank Account Number Ending 5498, held in the name of Ana
2 Rodriguez, and \$30,077.00 of the Defendant Approximately \$177,000.00 in U.S. Currency shall be
3 returned to Claimant through her attorney Nicco Capozzi, 2115 Kern Street, Suite 103, Fresno,
4 California 93721, telephone (559) 374-2012.

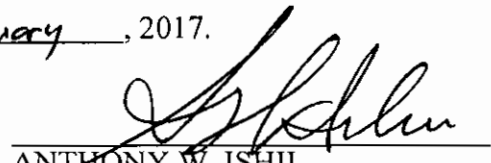
5 5. That the United States of America and its servants, agents, and employees and all other
6 public entities, their servants, agents, and employees, from any and all liability arising out of or in any
7 way connected with the seizure, arrest, or forfeiture of the Defendant Funds. This is a full and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

11 6. That pursuant to the stipulation of the parties, and the allegations set forth in the
12 Complaint filed on November 4, 2016, the Court finds that there was probable cause for the arrest and
13 seizure of the Defendant Funds, and for the commencement and prosecution of this forfeiture action, and
14 a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.

15 7. Each party shall bear his or its own costs and attorney's fees.

16 8. The U.S. District Court for the Eastern District of California shall retain jurisdiction to
17 enforce the terms of this Stipulation for Final Judgment of Forfeiture and Final Judgment of Forfeiture.

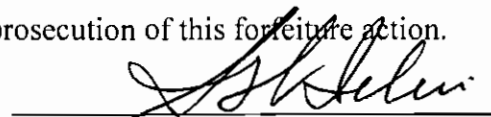
18 SO ORDERED THIS 13th day of February, 2017.

19
20 
21 ANTHONY W. ISHII
22 Senior United States District Court Judge

22 CERTIFICATE OF REASONABLE CAUSE

23 Based upon the allegations set forth in the Complaint filed November 4, 2016, and the
24 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable
25 Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure or arrest of the
26 Defendant Funds, and for the commencement and prosecution of this forfeiture action.

27 Dated: 2-13-17

28 
29 ANTHONY W. ISHII
30 Senior United States District Court Judge