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11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 APPROXIMATELY \$18,220.00 IN U.S.
17 CURRENCY,

18 Defendant.

19 2:09-CV-00182-GEB-CMK

20 **AMENDED FINAL JUDGMENT
21 OF FORFEITURE**

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

24 1. This is a civil action against Approximately \$18,220.00 in U.S. Currency
25 (“defendant currency”) seized on or about August 13, 2008.

26 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on
27 January 21, 2009, alleging that said defendant currency is subject to forfeiture to the
28 United States pursuant to 21 U.S.C. § 881(a)(6).

29 3. On January 22, 2009, the Clerk issued a Warrant for Arrest for the
30 defendant currency, and that warrant was duly executed on January 26, 2009.

31 4. Beginning on January 26, 2009, for at least 30 consecutive days, the United
32 States published Notice of the Forfeiture Action on the official internet government
33 forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on March 2,

1 2009.

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

4 a. Manh Saechao
5 b. Victor Alvarez
6 c. Juan Alvarez

7 6. Claimant Manh Saechao filed an answer on February 19, 2009 and a claim
8 alleging an interest in the defendant currency on March 31, 2009. No other parties have
9 filed claims or answers in this matter, and the time in which any person or entity may file
10 a claim and answer has expired.

11 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
12 against Victor Alvarez and Juan Alvarez on March 26, 2009. Pursuant to Local Rule 540,
13 the United States and claimant thus join in a request that as part of this Final Judgment
14 of Forfeiture the Court enter a default judgment against the interests, if any, of Victor
15 Alvarez and Juan Alvarez without further notice.

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

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

20 2. Judgment is hereby entered against claimant Victor Alvarez and Juan
21 Alvarez and all other potential claimants who have not filed claims in this action.

22 3. Upon entry of this *Amended* Final Judgment of Forfeiture, \$9,660.00 of the
23 Approximately \$18,220.00 in U.S. Currency, together with any interest that may have
24 accrued on the total amount seized, shall be forfeited to the United States pursuant to 21
25 U.S.C. § 881(a)(6), to be disposed of according to law.

26 4. Upon entry of this *Amended* Final Judgment of Forfeiture, but no later than
27 60 days thereafter, \$8,560.00 of the Approximately \$18,220.00 in U.S. Currency shall be
28 returned to claimant Manh Saechao, through her attorney Danny D. Brace, Jr.

1 5. The United States and its servants, agents, and employees and all other
2 public entities, their servants, agents, and employees, are released from any and all
3 liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the
4 defendant currency. This is a full and final release applying to all unknown and
5 unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as
6 well as to those now known or disclosed. The parties waived the provisions of California
7 Civil Code § 1542.

8 6. Claimant waived any and all claim or right to interest that may have
9 accrued on the defendant currency.

7. All parties are to bear their own costs and attorneys' fees.

11 8. The U.S. District Court for the Eastern District of California, Hon. Garland
12 E. Burrell, District Judge, shall retain jurisdiction to enforce the terms of this *Amended*
13 Final Judgment of Forfeiture.

14 9. Based upon the allegations set forth in the Complaint filed January 21,
15 2009, and the *Amended* Stipulation for Final Judgment of Forfeiture filed herein, the
16 Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that
17 there was reasonable cause for the seizure and arrest of the defendant currency, and for
18 the commencement and prosecution of this forfeiture action.

19 SO ORDERED.

20 || Dated: April 22, 2015

GARLAND E. BURRELL, JR.
Senior United States District Judge