

1 BENJAMIN B. WAGNER
 United States Attorney
 2 SARALYN M. ANG-OLSON, SBN 197404
 Special Assistant U.S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700

5 Attorneys for Plaintiff
 United States of America
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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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|--------------------------------------|---|------------------------|
| 11 UNITED STATES OF AMERICA, |) | 2:09-CV-000457-MCE-EFB |
| |) | |
| 12 Plaintiff, |) | FINAL JUDGMENT OF |
| |) | FORFEITURE |
| 13 v. |) | |
| |) | |
| 14 APPROXIMATELY \$44,500.00 IN U.S. |) | |
| 15 CURRENCY, |) | |
| |) | |
| 16 Defendant. |) | |

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

19 1. This is a civil forfeiture action against Approximately
 20 \$44,500.00 in U.S. Currency ("defendant currency").

21 2. A Verified Complaint for Forfeiture *In Rem* ("Verified
 22 Complaint") was filed on February 13, 2009, alleging that said
 23 defendant currency is subject to forfeiture to the United States
 24 of America pursuant to 21 U.S.C. § 881(a)(6).

25 3. On or about February 18, 2009, the Clerk issued a
 26 Warrant for Arrest for the defendant currency, and that warrant
 27 was duly executed on February 19, 2009.

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1 4. Beginning on February 24, 2009, for at least 30
2 consecutive days, the United States published Notice of the
3 Forfeiture Action on the official internet government forfeiture
4 site www.forfeiture.gov. A Declaration of Publication was filed
5 on March 30, 2009.

6 5. In addition to the public notice on the official
7 internet government forfeiture site www.forfeiture.gov, actual
8 notice was given to the following individuals:

- 9 a. John Jacob Carter
- 10 b. Naomi Carter
- 11 c. PV Holding Corporation

12 6. On March 19, 2009, John Jacob Carter filed a Verified
13 Claim and on April 8, 2009, he filed an Answer to the Complaint.
14 No other parties have filed claims or answers in this matter and
15 the time for which any person or entity may file a claim and
16 answer has expired.

17 7. The Clerk of the Court entered a Clerk's Certificate of
18 Entry of Default against Naomi Carter on April 27, 2009.
19 Pursuant to Local Rule 540, the United States and Claimant thus
20 join in a request that as part of this Final Judgment of
21 Forfeiture in this case the Court enter a default judgment
22 against the interest, if any, of Naomi Carter without further
23 notice.

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

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

1 2. That judgment is hereby entered against claimant
2 John Jacob Carter and all other potential claimants who have not
3 filed claims in this action.

4 3. Upon entry of a Final Judgment of Forfeiture, \$31,150.00
5 of the Approximately \$44,500.00 in U.S. Currency, together with
6 any interest that may have accrued on that amount, shall be
7 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6),
8 to be disposed of according to law.

9 4. Upon entry of this Final Judgment of Forfeiture, but no
10 later than 60 days thereafter, \$13,350.00 of the Approximately
11 \$44,500.00 in U.S. Currency, together with any interest that may
12 have accrued on that amount, shall be returned to John Jacob
13 Carter through his attorney, Keith C. Cope.

14 5. That plaintiff United States of America and its
15 servants, agents, and employees and all other public entities,
16 their servants, agents, and employees, are released from any and
17 all liability arising out of or in any way connected with the
18 seizure, arrest, or forfeiture of the defendant currency, and for
19 the commencement and prosecution of this forfeiture action. This
20 is a full and final release applying to all unknown and
21 unanticipated injuries, and/or damages arising out of said
22 seizure, arrest, or forfeiture, as well as to those now known or
23 disclosed. The parties waive the provisions of California Civil
24 Code § 1542.

25 6. Claimant John Jacob Carter waives any and all claim or
26 right to interest that may have accrued on the defendant currency
27 being forfeited to the United States.

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