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

10
 11 UNITED STATES OF AMERICA,) 2:09-CV-00461-FCD-KJM
)
 12 Plaintiff,) FINDINGS AND RECOMMENDATIONS
)
 13 v.)
)
 14 APPROXIMATELY \$133,803.53 IN U.S.)
 CURRENCY SEIZED FROM WASHINGTON)
 15 MUTUAL BANK, N.A., ACCOUNT)
 #4420842802, HELD IN THE NAME OF)
 16 ADVANTAGE FINANCIAL GROUP HOLDINGS)
 MANAGEMENT LLC, and)
 17)
 APPROXIMATELY \$328,495.75 IN U.S.)
 18 CURRENCY SEIZED FROM WASHINGTON)
 MUTUAL BANK, N.A., ACCOUNT)
 19 #4412174338, HELD IN THE NAME OF)
 LOOMIS WEALTH SOLUTIONS LLC,)
 20)
 Defendants.)
 21)

22 This matter came before the Honorable Judge Kimberly J.
 23 Mueller on plaintiff United States' ex parte motion for default
 24 judgment. There was no appearance by or on behalf of any other
 25 person or entity claiming an interest in the above-captioned
 26 defendant funds to oppose plaintiff's motion. Based on plaintiff's
 27 motion and the files and records of the court, THE COURT FINDS as
 28 follows:

1 1. This action arose out of a Verified Complaint for
2 Forfeiture In Rem filed February 17, 2009.

3 2. Plaintiff United States of America has moved this Court,
4 pursuant to Local Rule 540, for entry of default judgment of
5 forfeiture against Lawrence Leland Loomis.

6 3. Plaintiff has shown that a complaint for forfeiture was
7 filed; that potential claimant Lawrence Leland Loomis received
8 notice of the forfeiture action; that any and all other unknown
9 potential claimants have been served by publication;¹ and that
10 grounds exist for entry of a final judgment of forfeiture.

11 Therefore, IT IS RECOMMENDED as follows:

12 4. That Lawrence Leland Loomis be held in default;

13 5. That plaintiff's motion for default judgment and final
14 judgment of forfeiture be granted;

15 6. That a judgment by default be entered against any right,
16 title or interest of Lawrence Leland Loomis in the defendant funds;

17 7. That a final judgment be entered, forfeiting all right,
18 title and interest in the defendant funds to the United States of
19 America, to be disposed of according to law.

20 8. That the Default Judgment and Final Judgment of Forfeiture
21 lodged herein be signed by the district judge and filed by the
22 Clerk of the Court.

23 Dated: July 20, 2010.

24
25 
U.S. MAGISTRATE JUDGE

26
27 ¹ The answer of claimant Flagstaff Bank was stricken by order
28 of the court filed February 10, 2010. Although an appeal of that order
was filed on February 18, 2010, the order is a nonappealable
interlocutory order, and as such, does not divest this court of
jurisdiction to enter default judgment. See Nascimento v. Dummer, 508
F.3d 905, 908 (9th Cir. 2007); 28 U.S.C. § 1292(a).