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

11 UNITED STATES OF AMERICA,	)	2:09-cv-02114-MCE-GGH
	)	
12 Plaintiff,	)	FINDINGS AND RECOMMENDATIONS
	)	
13 v.	)	
	)	
14 APPROXIMATELY \$45,734.15 IN	)	
15 U.S. CURRENCY SEIZED FROM BANK	)	
OF STOCKTON ACCOUNT NUMBER	)	
2134574001, HELD IN THE NAME	)	
16 OF AHMAD KHAN dba SMOKE SHOP &	)	
SNACKS, and	)	
	)	
17 2002 CADILLAC ESCALADE EXT,	)	
18 VIN: 3GYEK63N12G221478,	)	
CALIFORNIA LICENSE NUMBER:	)	
19 8L68104,	)	
	)	
20 Defendants.	)	
	)	

21  
 22 This matter came before the Honorable Judge Gregory G.  
 23 Hollows 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 defendant funds and  
 26 defendant vehicle to oppose plaintiff's motion. Based on  
 27 plaintiff's motion and the files and records of the court, THE  
 28 COURT FINDS as follows:

1           1. This action arose out of a Verified Complaint for  
2 Forfeiture *In Rem* filed July 30, 2009.

3           2. Plaintiff United States of America has moved this Court,  
4 pursuant to Local Rule A-540, for entry of default judgment of  
5 forfeiture against potential claimants Mumraiz Khan, Irshan Khan  
6 and Ahmad Khan.

7           3. Plaintiff has shown that a complaint for forfeiture was  
8 filed; that potential claimants Mumraiz Khan, Irshan Khan and  
9 Ahmad Khan received notice of the forfeiture action; that any and  
10 all other unknown potential claimants have been served by  
11 publication; and that grounds exist for entry of a final judgment  
12 of forfeiture.<sup>1</sup>

13           Therefore, IT IS RECOMMENDED as follows:

14           4. That Mumraiz Khan, Irshan Khan and Ahmad Khan be held in  
15 default;

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

18           6. That a judgment by default be entered against any right,  
19 title or interest of potential claimants Mumraiz Khan, Irshan  
20 Khan and Ahmad Khan in the defendant funds and the defendant  
21 vehicle;

22           7. That a final judgment be entered, forfeiting all right,  
23 title and interest in the defendant funds and the defendant  
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25           <sup>1</sup>In reviewing the file, the undersigned observed that  
26 certificates of personal service had been docketed only for Ahmad  
27 and Irshan Khan. However, Exhibit B to the government's request  
28 for entry of default demonstrates personal service on Mumraiz  
Khan as well. Entry of default was entered on October 6, 2009.  
Although Ahmad Khan filed a substitution of counsel in this case,  
no appearance has been made on the merits for any of the  
potential claimants.

1 vehicle to the United States of America, to be disposed of  
2 according to law.

3 8. That the Default Judgment and Final Judgment of  
4 Forfeiture lodged herein be signed by the Honorable Morrison C.  
5 England, Jr. and filed by the Clerk of the Court.

6 Dated: December 2, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS  
United States Magistrate Judge

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