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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-02481-MCE-JFM
)
 12 Plaintiff,)
)
 13 v.)
)
 14 APPROXIMATELY \$46,225.00 IN U.S.)
 CURRENCY,)
 15) FINDINGS AND RECOMMENDATIONS
 Defendant.)
 16 _____)

17 This matter came before the undersigned on plaintiff United
 18 States' *ex parte* motion for default judgment. There was no
 19 appearance by or on behalf of any other person or entity claiming
 20 an interest in the defendant currency to oppose plaintiff's
 21 motion. Based on plaintiff's motion and the files and records of
 22 the court, THE COURT FINDS as follows:

23 1. This action arose out of a Verified Complaint for
 24 Forfeiture *In Rem* filed September 2, 2009.

25 2. Plaintiff United States of America has moved this Court,
 26 pursuant to Local Rule A-540, for entry of default judgment of
 27 forfeiture against potential claimants Carl W. Coleman, Sr. and
 28 Joelle Coleman.

1 3. Plaintiff has shown that a complaint for forfeiture was
2 filed; that potential claimants Carl W. Coleman, Sr. and Joelle
3 Coleman received notice of the forfeiture action; that any and
4 all other unknown potential claimants have been served by
5 publication; and that grounds exist for entry of a final judgment
6 of forfeiture.

7 Therefore, IT IS HEREBY RECOMMENDED as follows:

8 4. That Carl W. Coleman, Sr. and Joelle Coleman be held in
9 default;

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

12 6. That a judgment by default be entered against any right,
13 title or interest of potential claimants Carl W. Coleman, Sr. and
14 Joelle Coleman in the defendant currency;

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

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

21 These findings and recommendations are submitted to the
22 United States District Judge assigned to the case, pursuant to
23 the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
24 after being served with these findings and recommendations, any
25 party may file written objections with the court and serve a copy
26 on all parties. Such a document should be captioned
27 "Objections to Magistrate Judge's Findings and Recommendations."
28 Any response to the objections shall be filed and served within
fourteen days after service of the objections. The parties are

1 advised that failure to file objections within the specified time
2 may waive the right to appeal the District Court's order.

3 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: December 10, 2009.

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UNITED STATES MAGISTRATE JUDGE

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/46225.def

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