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

10

11 UNITED STATES OF AMERICA, ) 2:09-CV-03110-JAM-EFB  
 )  
 12 Plaintiff, )  
 )  
 13 v. ) FINAL JUDGMENT OF FORFEITURE  
 )  
 14 APPROXIMATELY \$71,115.00 IN )  
 U.S. CURRENCY, )  
 15 )  
 Defendant. )  
 16 )

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

19 1. This is a civil forfeiture action against Approximately  
 20 \$71,115.00 in U.S. Currency (hereafter "defendant currency").

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

25 3. On or about November 17, 2009, the Clerk issued a  
 26 Warrant for Arrest for the defendant currency, and that warrant  
 27 was duly executed on November 17, 2009.

28 4. Beginning on November 11, 2009, for at least 30  
 consecutive days, the United States published Notice of the

1 Forfeiture Action on the official internet government forfeiture  
2 site [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed  
3 on December 14, 2009.

4 5. In addition to the public notice on the official  
5 internet government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov), actual  
6 notice was given to the following individuals:

- 7 a. Jesus Espinoza
- 8 b. Benjamin Ritter
- 9 c. Christopher Moran

10 6. On December 18, 2009, Jesus Espinoza ("claimant") filed  
11 a Claim Opposing Forfeiture. On January 15, 2010, Jesus Espinoza  
12 filed an Answer. No other parties have filed claims or answers  
13 in this matter and the time for which any person or entity may  
14 file a claim and answer has expired.

15 7. The Clerk of the Court entered a Clerk's Certificate of  
16 Entry of Default against Benjamin Ritter and Christopher Moran on  
17 January 29, 2010. Pursuant to Local Rule 540, the United States  
18 and claimant thus join in a request that as part of the Final  
19 Judgment of Forfeiture in this case the Court enter a default  
20 judgment against the interest, if any, of Benjamin Ritter and  
21 Christopher Moran without further notice.

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

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

27 2. That judgment is hereby entered against claimant Jesus  
28 Espinoza and all other potential claimants who have not filed  
claims in this action.

1           3. Upon entry of this Final Judgment of Forfeiture,  
2 \$56,892.00 of the \$71,115.00 in U.S. Currency, together with any  
3 interest that may have accrued on that amount, shall be forfeited  
4 to the United States pursuant to 21 U.S.C. § 881(a)(6), to be  
5 disposed of according to law.

6           4. Upon entry of this Final Judgment of Forfeiture herein,  
7 but no later than 60 days thereafter, \$14,223.00 of the  
8 \$71,115.00 in U.S. Currency, together with any interest that may  
9 have accrued on that amount, shall be returned to claimant Jesus  
10 Espinoza through his attorney Donald H. Heller.

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

22           6. Claimant waived any and all claim or right to interest  
23 that may have accrued on the defendant currency being forfeited  
24 to the United States.

25           7. That pursuant to the stipulation of the parties, and the  
26 allegations set forth in the Complaint filed on November 6, 2009,  
27 the Court finds that there was reasonable cause for the seizure  
28 and arrest of the defendant currency, and for the commencement

1 and prosecution of this forfeiture action, and a Certificate of  
2 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered  
3 accordingly.

4 8. All parties are to bear their own costs and attorneys'  
5 fees.

6 9. The Court shall maintain jurisdiction to enforce the  
7 terms of this Final Judgment of Forfeiture.

8 SO ORDERED THIS 23<sup>rd</sup> day of August, 2010.

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/s/ John A. Mendez  
JOHN A. MENDEZ  
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF REASONABLE CAUSE

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DATED: August 23, 2010

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/s/ John A. Mendez  
JOHN A. MENDEZ  
UNITED STATES DISTRICT JUDGE