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

UNITED STATES OF AMERICA,	)	2:10-CV-00160-MCE-KJM
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS
	)	
v.	)	
	)	
APPROXIMATELY \$56,690.00 IN	)	
U.S. CURRENCY,	)	
	)	
Defendant.	)	
	)	
_____	)	

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

1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed January 21, 2010.
2. Plaintiff United States of America has moved this Court, pursuant to Local Rule 540, for entry of default judgment of forfeiture against potential claimants Tyson Gonisfitzpatrick and Mike Fitzpatrick.

1 3. Plaintiff has shown that a complaint for forfeiture was  
2 filed; that potential claimants Tyson Gonisfitzpatrick and Mike  
3 Fitzpatrick<sup>1</sup> received notice of the forfeiture action; that any  
4 and 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 RECOMMENDED as follows:

8 4. That Tyson Gonisfitzpatrick and Mike Fitzpatrick be held  
9 in 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 Tyson Gonisfitzpatrick  
14 and Mike Fitzpatrick 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 Dated: June 17, 2010.

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25 U.S. MAGISTRATE JUDGE  
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28 <sup>1</sup> A claim was filed by Michael Fitzpatrick but that claim  
was voluntarily dismissed on March 16, 2010. (Docket no. 9.)