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

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UNITED STATES OF AMERICA,)	2:10-CV-00223-WBS-GGH
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATIONS
v.)	
)	
45 units, more or less, of the)	
Model AOS-1M Ozone)	
Generator, articles of device,)	
labeled in part:)	
*** AOS-1M OZONE GENERATOR ***)	Date: N/A
APPLIED OZONE SYSTEMS MODEL)	Time: N/A
AOS-1M VOLTS *** SERIAL *** 10072)	Dept: N/A
Streeter Rd. Suite 2 Auburn, CA)	
95602 530-268-6690)	
www.appliedozone.com)	
*** MADE IN USA ***" and)	
)	
35 units, more or less, of the)	
Model AOS-1MD Ozone Generator,)	
articles of device, labeled in)	
part:)	
*** AOS-1MD *** APPLIED OZONE)	
SYSTEMS MODEL AOS-1MD VOLTS ***)	
SERIAL *** 10072 Streeter Rd.)	
Suite 2 Auburn, CA 95602)	
530-268-6690)	
www.appliedozone.com *** MADE IN)	
USA ***,")	
)	
Defendants.)	

1 This matter came before the Honorable Judge Gregory G.
2 Hollows on plaintiff United States' *ex parte* motion for default
3 judgment. There was no appearance by or on behalf of any other
4 person or entity claiming an interest in the above-captioned
5 defendant articles of device (hereafter "the defendant devices")
6 to oppose plaintiff's motion. Based on plaintiff's motion and
7 the files and records of the court, THE COURT FINDS as follows:

8 1. This action arose out of a Verified Complaint for
9 Forfeiture *In Rem* filed January 27, 2010.

10 2. Plaintiff United States of America has moved this Court,
11 pursuant to Local Rule 540, Rule 55(b) of the Federal Rules of
12 Civil Procedure, and 21 U.S.C. § 334, for entry of default
13 judgment of forfeiture against potential claimant Charles C.
14 Ankeney.

15 3. Plaintiff has shown that a complaint for forfeiture was
16 filed; that potential claimant Charles C. Ankeney received notice
17 of the forfeiture action; that any and all other unknown
18 potential claimants have been served by publication; that neither
19 Charles C. Ankeney nor any other potential claimants responded to
20 the complaint or contested the forfeiture; and that grounds exist
21 for entry of a final judgment of forfeiture.

22 Therefore, IT IS RECOMMENDED as follows:

23 1. That Charles C. Ankeney be held in default;

24 2. That plaintiff's motion for default judgment and final
25 judgment of forfeiture be granted;

26 3. That a judgment by default be entered against any right,
27 title or interest of potential claimant Charles C. Ankeney;

28 4. That, pursuant to 21 U.S.C. § 334(a)(2)(D), the

1 defendant devices be adjudged to be adulterated under the Federal
2 Food, Drug, and Cosmetic Act (hereafter "the Act"), 21 U.S.C. §§
3 351(f)(1)(B) and 351(h), and misbranded under the Act, 21 U.S.C.
4 §§ 352(o), 352(f)(1), 352(t)(2), and 352(j), and should be
5 condemned;

6 5. That a final judgment be entered, forfeiting all right,
7 title and interest in the defendant devices to the United States
8 of America, to be disposed of according to law.

9 6. That the Default Judgment and Final Judgment of
10 Forfeiture lodged herein be signed by the Honorable William B.
11 Shubb and filed by the Clerk of the Court.

12 Dated: August 2, 2010

/s/ Gregory G. Hollows

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14 GREGORY G. HOLLOWS
United States Magistrate Judge

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