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 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.  
 14 APPROXIMATELY \$7,960.00 IN U.S.  
 15 CURRENCY,  
 16 APPROXIMATELY \$2,260.00 IN U.S.  
 17 CURRENCY,  
 18 APPROXIMATELY \$3,195.00 IN U.S.  
 19 CURRENCY,  
 20 APPROXIMATELY \$3,927.00 IN U.S.  
 21 CURRENCY, and  
 22 2007 CADILLAC ESCALADE EXT, VIN:  
 23 3GYFK62837G222266, LICENSE  
 24 NUMBER 8W03721,  
 Defendants.

2:10-CV-02167-MCE-KJN  
 FINAL JUDGMENT OF  
 FORFEITURE

25 Pursuant to the Stipulation for Final Judgment of Forfeiture filed herein and the  
 26 Order Striking Claims of Jamarus Smith and Monique Jene Banks filed September 10,  
 27 2012, the Court finds:

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1           1.       This is a civil forfeiture action against the assets listed in the caption above  
2 (hereafter “defendant currency” and “defendant vehicle”) seized on or about January 27  
3 and April 29, 2010.

4           2.       A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on  
5 August 12, 2010, alleging that said defendant currency and defendant vehicle are subject  
6 to forfeiture to the United States pursuant to 21 U.S.C. §§ 881(a)(4) and (a)(6).

7           3.       On August 16, 2010, the Clerk issued a Warrant for Arrest for the defendant  
8 currency and defendant vehicle, and that warrant was duly executed on August 19 and  
9 September 16, 2010.

10          4.       Beginning on August 28, 2010, for at least thirty consecutive days, the United  
11 States published Notice of the Forfeiture Action on the official internet government  
12 forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on September  
13 29, 2010.

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

- 17           a.       Jamarus Smith
- 18           b.       Lilah Thomasson
- 19           c.       Monique Banks
- 20           d.       Gemarr Matthews
- e.       Jason Gray
- f.       Bruce Louis Haskins<sup>1</sup>
- g.       Deborah Kristin Haskins

21          6.       Claimant Lilah Thomasson filed a claim to the defendant vehicle on  
22 September 16 and 17, 2010, and an answer to the complaint on October 6, 2011. Claimant  
23 Jamarus Smith filed claims to the defendant currency in the amounts of \$7,960.00,  
24 \$2,260.00 and \$3,195.00 on September 16, 17 and 21, 2010. Claimant Monique Jene  
25 Banks filed claims to the defendant \$3,927.00 in U.S. Currency on September 16 and 17,

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26 <sup>1</sup> At the time the Complaint was filed the government was provided information that Bruce and Deborah  
27 Haskins were the registered owners of the vehicle that Jamarus Smith was driving when the \$7,960.00 in  
28 U.S. Currency was seized. On or about October 5, 2010, the government learned that the Haskins’ had  
previously sold the vehicle to Jason Gray.

1 2010. No other parties have filed claims or answers in this matter, and the time in which  
2 any person or entity may file a claim and answer has expired.

3 7. An Order was filed September 10, 2012, striking the claims of Jamarus  
4 Smith and Monique Banks for failing to comply with Rule G(5) and/or pursuant to Rule  
5 G(8)(c)(i)(A)-(B) of the Supplemental Rules for Admiralty or Maritime Claims and Asset  
6 Forfeiture Actions because said claimants lack standing. (ECF No. 39).

7 8. The Clerk of the Court entered Clerk's Certificates of Entry of Default  
8 against Jason Gray on May 5, 2011, and Gemarr Matthews on June 16, 2011. Pursuant to  
9 Local Rule 540, the United States requests that as part of this Final Judgment of  
10 Forfeiture the Court enter a default judgment against the interest, if any, of Jason Gray  
11 and Gemarr Matthews without further notice.

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

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

16 2. That judgment is hereby entered against claimants Lilah Thomasson,  
17 Jamarus Smith, and Monique Banks and all other potential claimants who have not filed  
18 claims in this action.

19 3. All right, title, and interest of Jamarus Smith and Monique Banks in the  
20 defendant Approximately \$7,960.00 in U.S. Currency; Approximately \$2,260.00 in U.S.  
21 Currency; Approximately \$3,195.00 in U.S. Currency; and Approximately \$3,927.00 in  
22 U.S. Currency, together with any interest that may have accrued on those amounts, shall  
23 be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of  
24 according to law.

25 4. All right, title, and interest of Lilah Thomasson in the defendant 2007  
26 Cadillac Escalade EXT, VIN: 3GYFK62837G222266, License Number 8W03721  
27 (“defendant vehicle”) shall be forfeited to the United States pursuant to 21 U.S.C. §§  
28 881(a)(4) and (a)(6), to be disposed of according to law.

1           5.     Upon entry of this Final Judgment of Forfeiture, the U.S. Marshals Service  
2 shall sell the defendant vehicle in the most commercially feasible manner, as soon as  
3 reasonably possible, for the maximum price. Claimant Lilah Thomasson agrees to execute  
4 promptly any documents that may be required to complete the sale of the defendant  
5 vehicle.

6           6.     Upon the sale of the defendant vehicle, the net sale proceeds, less any storage  
7 fees, maintenance fees, disposal costs and auctioneer fees, will be divided as follows:

8           a.     To claimant Lilah Thomasson: \$10,000.00 of the net proceeds from the  
9                 sale of the defendant vehicle.

10          b.     To the United States of America: The remainder of the net sale  
11                 proceeds. All right, title, and interest in said funds shall be  
12                 substituted for the defendant vehicle and forfeited to the United States  
13                 pursuant to 21 U.S.C. §§ 881(a)(4) and (a)(6), to be disposed of  
14                 according to law.

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

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

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1           9.     The U.S. District Court for the Eastern District of California, Hon. Morrison  
2 C. England, Jr., District Judge, shall retain jurisdiction to enforce the terms of this Final  
3 Judgment of Forfeiture.

4           IT IS SO ORDERED.

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6 Dated: September 17, 2012

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MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE

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