

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 LYNN TRINKA ERNCE  
 Assistant U.S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2720  
 5 Attorneys for Plaintiff  
 United States of America  
 6  
 7

8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 10

11	UNITED STATES OF AMERICA,	)	2:10-CV-2456 KJM GGH
		)	
12	Plaintiff,	)	FINAL JUDGMENT OF FORFEITURE
		)	
13	v.	)	
		)	
14	APPROXIMATELY \$15,000.00 IN	)	
	U.S. CURRENCY,	)	
15		)	
	Defendant.	)	
16	_____	)	

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

- 19 1. This is a civil forfeiture action against Approximately  
 20 \$15,000 in U.S. Currency (hereafter "defendant currency") seized on  
 21 or about November 13, 2009.
- 22 2. The United States filed a Verified Complaint for  
 23 Forfeiture *In Rem* ("Complaint") on September 13, 2010, alleging  
 24 that the defendant currency is subject to forfeiture to the United  
 25 States of America pursuant to 21 U.S.C. § 881(a)(6).
- 26 3. On or about September 14, 2010, the Clerk issued a Warrant  
 27 for Arrest for the defendant currency, and that warrant was duly  
 28 executed on September 16, 2010.

1           4. Beginning on September 18, 2010, for at least 30  
2 consecutive days, the United States published Notice of the  
3 Forfeiture Action on the official internet government forfeiture  
4 site [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration for Publication was filed  
5 on October 22, 2010.

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

- 9           a. Pete O'Dell
- 10           b. Shelley Couch O'Dell
- 11           c. Christopher Minor
- 12           d. Stephen Barney

13           6. Claimants Pete O'Dell and Shelley Couch O'Dell filed a  
14 verified claim to the defendant currency and an answer to the  
15 Complaint on October 20, 2010 and filed an amended answer to the  
16 Complaint on November 9, 2010. No other parties have filed claims  
17 or answers in this matter, and the time for filing such claims and  
18 answers has expired.

19           7. The Clerk of the Court entered a Clerk's Certificate of  
20 Entry of Default against Christopher Minor and Stephen Barney on  
21 February 15, 2011. Pursuant to Local Rule 540, the United States  
22 and claimants thus join in a request that as part of this Final  
23 Judgment of Forfeiture the Court enter a default judgment against  
24 the interests, if any, of Christopher Minor and Stephen Barney  
25 without further notice.

26 ///

27 ///

28 ///

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

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

5           2. That judgment is hereby entered against claimants Pete  
6 O'Dell and Shelley Couch O'Dell and all other potential claimants  
7 who have not filed claims in this action.

8           3. Upon entry of this Final Judgment of Forfeiture, \$10,000  
9 of the defendant currency, together with any interest that may have  
10 accrued on the \$10,000, shall be forfeited to the United States  
11 pursuant to 21 U.S.C. § 881(a)(6) to be disposed of according  
12 to law.

13           4. Upon entry of this Final Judgment of Forfeiture, but no  
14 later than 60 days thereafter, \$5,000 of the defendant currency,  
15 together with any interest that may have accrued on the \$5,000,  
16 shall be returned to claimants Pete O'Dell and Shelley Couch O'Dell  
17 through their attorney Jennifer M. Granger via her client trust  
18 account.

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

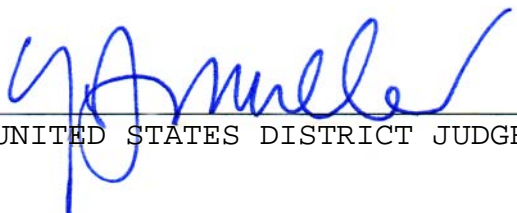
28 ///

1           6. That, pursuant to the stipulation of the parties, and the  
2 allegations set forth in the Complaint filed on or about September  
3 13, 2010, the Court finds that there was reasonable cause for the  
4 seizure and arrest of the defendant currency, and for the  
5 commencement and prosecution of this forfeiture action, and a  
6 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall  
7 be entered accordingly.

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

10           8. The U.S. District Court for the Eastern District of  
11 California, Hon. Kimberly J. Mueller, District Judge, shall retain  
12 jurisdiction to enforce the terms of this Final Judgment of  
13 Forfeiture.

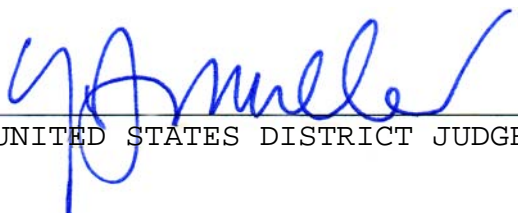
14           SO ORDERED THIS 19th day of April, 2011.

15  
16   
17 \_\_\_\_\_  
18 UNITED STATES DISTRICT JUDGE

19           CERTIFICATE OF REASONABLE CAUSE

20           Based upon the allegations set forth in the Complaint filed  
21 September 13, 2010, and the Stipulation for Final Judgment of  
22 Forfeiture filed herein, the Court enters this Certificate of  
23 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was  
24 reasonable cause for the seizure or arrest of the defendant  
25 currency, and for the commencement and prosecution of this  
26 forfeiture action.

27           DATED: April 19, 2011.

28   
\_\_\_\_\_

UNITED STATES DISTRICT JUDGE