

1 BENJAMIN B. WAGNER
United States Attorney
2 DAVID T. SHELLÉDY
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916)554-2799
5 Attorneys for the United States
6
7

FILED

APR 12 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

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

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 APPROXIMATELY \$658,830.00 IN
U.S. CURRENCY,
15 Defendant.
16

2:11-CV-00967-MCE-KJN
**ORDER REGARDING CLERK'S
ISSUANCE OF WARRANT FOR
ARREST OF ARTICLES *IN REM***

-KJN (TEMP)

17 United States of America v. Approximately \$658,830.00 in U.S. Currency
WHEREAS, a Verified Complaint for Forfeiture *In Rem* has been filed on
18 April 11, 2011, in the United States District Court for the Eastern District of
19 California, alleging that the defendant Approximately \$658,830.00 in U.S. Currency
20 (hereafter "defendant currency") is subject to forfeiture to the United States
21 pursuant to 21 U.S.C. § 881(a)(6) for one or more violations of 21 U.S.C. §§ 841 *et*
22 *seq.*;

Doc. 4

23 And, the Court being satisfied that, based on the Verified Complaint for
24 Forfeiture *In Rem* and the affidavit of Drug Enforcement Administration Task
25 Force Officer David Stevenson, there is probable cause to believe that the defendant
26 currency so described constitutes property that is subject to forfeiture for such
27 violation(s), and that grounds for the issuance of a Warrant for Arrest of Articles *In*
28 *Rem* exist, pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or

1 Maritime Claims and Asset Forfeiture Actions;

2 IT IS HEREBY ORDERED that the Clerk for the United States District
3 Court, Eastern District of California, shall issue a Warrant for Arrest of Articles *In*
4 *Rem* for the defendant currency.

5 Dated: April 12, 2011


6 CRAIG M. KELLISON
United States Magistrate Judge

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 BENJAMIN B. WAGNER
United States Attorney
2 DAVID T. SHELLÉDY
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916)554-2799

5 Attorneys for the United States

6

7

8

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

9

10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$658,830.00 IN
U.S. CURRENCY,

15

Defendant.

16

2:11-CV-00967-MCE-KJN

**WARRANT FOR ARREST OF
ARTICLES *IN REM***

17

TO THE U.S. MARSHALS SERVICE OF THE EASTERN DISTRICT OF

18

CALIFORNIA AND/OR ANY OTHER DULY AUTHORIZED LAW

19

ENFORCEMENT OFFICER:

20

WHEREAS, a verified complaint of forfeiture has been filed on April 11,

21

2011, in the United States District Court for the Eastern District of California,

22

alleging that the defendant Approximately \$658,830.00 in U.S. Currency (hereafter

23

“defendant currency”) is subject to forfeiture to the United States pursuant to 21

24

U.S.C. § 881(a)(6) for one or more violations of 21 U.S.C. §§ 841 *et seq.*;

25

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or

26

Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”) provides that

27

when the United States files a complaint demanding a forfeiture for violation of a

28

federal statute, the clerk must issue a warrant to arrest the property if it is in the

1 government's possession, custody, or control. The defendant currency is in the
2 custody of the U.S. Marshals Service for the Eastern District of California;

3 WHEREAS, in addition, United States Magistrate Judge Craig M. Kellison
4 has ordered that the Clerk for the United States District Court, Eastern District of
5 California, shall issue a Warrant for Arrest of Articles *In Rem* for the defendant
6 currency based on the Verified Complaint for Forfeiture *In Rem* and the affidavit of
7 Drug Enforcement Administration Task Force Officer David Stevenson, stating that
8 there is probable cause to believe that the defendant currency so described
9 constitutes property that is subject to forfeiture for such violation(s);

10 YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize the
11 defendant currency, and use discretion and whatever means appropriate to protect
12 and maintain said defendant currency; and

13 IT IS FURTHER ORDERED that you shall provide notice of this action to all
14 persons thought to have an interest in or claim against the defendant currency by
15 serving upon such persons a copy of this warrant and a copy of the Verified
16 Complaint for Forfeiture *In Rem* in a manner consistent with the Supplemental
17 Rules, the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), and federal law. This
18 warrant provides notice that in order to avoid forfeiture of the defendant currency,
19 any person claiming an interest in, or right against, the property must file a
20 verified claim, signed under penalty of perjury, identifying the interest in, or right
21 against, the property in the manner set forth in Rule G(5)(a) of the Supplemental
22 Rules, Federal Rules of Civil Procedure, except that in no event may such claim be
23 filed later than 35 days after the date notice of the forfeiture action and a copy of
24 the complaint was sent or, as applicable, 60 days after the first day of publication
25 on the official internet government forfeiture site www.forfeiture.gov posting the
26 notice of forfeiture action. In addition, any person having filed such a claim must
27 also file an answer to the complaint or a motion under Rule G(5) and Fed. R. Civ.
28 P., Rule 12 no later than 21 days after the filing of the claim, with a copy thereof

1 sent to Assistant U.S. Attorney David T. Shelledy, 501 I Street, Suite 10-100,
2 Sacramento, CA 95814.

3 IT IS FURTHER ORDERED that, promptly after execution of this process,
4 you shall file the same in this Court with your return thereon, identifying the
5 individuals upon whom copies were served and the manner employed.

6 Dated: APR 12 2011, 2011

VICTORIA C. MINOR, Clerk
CREADER

7
8 By: _____
9 Deputy Clerk
10 United States District Court
11 Eastern District of California
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28