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5 United States of America

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

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11 UNITED STATES OF AMERICA,) 2:11-CV-02398-WBS-JFM
)
12 Plaintiff,) FINAL JUDGMENT OF FORFEITURE
)
13 v.)
)
14 APPROXIMATELY \$37,280.00 IN)
15 U.S. CURRENCY,)
)
16 Defendant.)
_____)

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

- 20 1. This is a civil forfeiture action against Approximately
 21 \$37,280.00 in U.S. Currency (hereafter "defendant currency").
 22 2. A Verified Complaint for Forfeiture *In Rem* ("Complaint")
 23 was filed on September 12, 2011, alleging that said defendant
 24 currency is subject to forfeiture to the United States of America
 25 pursuant to 21 U.S.C. § 881(a)(6).

26 On September 15, 2011, the Clerk issued a Warrant for Arrest
 27 for the defendant currency, and that warrant was duly executed on
 28 October 27, 2011.

1 4. Beginning on October 12, 2011, the United States
2 published Notice of the Forfeiture Action on the official
3 internet government forfeiture site www.forfeiture.gov. The
4 Notice will run for at least 30 consecutive days.

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

- 9 a. Rogelio Lopez-Cortez
- 10 b. Eustolio Ochoa-Marfin

11 6. Claimant Rogelio Lopez filed a claim alleging an
12 interest in the defendant currency on October 18, 2011. No other
13 parties have filed claims or answers in this matter, and the time
14 for which any person or entity may file a claim and answer has
15 expired.

16 7. The Clerk of the Court entered a Clerk's Certificate of
17 Entry of Default against Eustolio Ochoa-Marfin on November 4,
18 2011. Pursuant to Local Rule 540, the United States and claimant
19 thus join in a request that as part of the Final Judgment of
20 Forfeiture in this case the Court enter a default judgment
21 against the interest, if any, of Eustolio Ochoa-Marfin without
22 further notice.

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

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

28 2. That judgment is hereby entered against claimant Rogelio

1 Lopez and all other potential claimants who have not filed claims
2 in this action.

3 3. Upon entry of a Final Judgment of Forfeiture, \$27,280.00
4 of the \$37,280.00 in U.S. Currency, together with any interest
5 that may have accrued on that amount, shall be forfeited to the
6 United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed
7 of according to law.

8 4. Upon entry of a Final Judgment of Forfeiture herein, but
9 no later than 60 days thereafter, \$10,000.00 of the \$37,280.00 in
10 U.S. Currency, together with any interest that may have accrued
11 on that amount, shall be returned to claimant Rogelio Lopez
12 through his attorney Robert W. MacKenzie.

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

24 6. Claimant waived any and all claim or right to interest
25 that may have accrued on the defendant currency being forfeited
26 to the United States.

27 7. That pursuant to the stipulation of the parties, and the
28 allegations set forth in the Complaint filed on September 12,

1 2011, the Court finds that there was reasonable cause for the
2 seizure and arrest of the defendant currency, and for the
3 commencement and prosecution of this forfeiture action, and a
4 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
5 shall be entered accordingly.

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

8 9. The Court shall maintain jurisdiction to enforce the
9 terms of this Final Judgment of Forfeiture.

10 SO ORDERED THIS 22nd day of November, 2011.

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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16 CERTIFICATE OF REASONABLE CAUSE

17 Based upon the allegations set forth in the Complaint filed
18 September 12, 2011, and the Stipulation for Final Judgment of
19 Forfeiture filed herein, the Court enters this Certificate of
20 Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was
21 reasonable cause for the seizure or arrest of the defendant
22 currency, and for the commencement and prosecution of this
23 forfeiture action.

24 DATED: November 22, 2011

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26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
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