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

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$189,040.00 IN U.S.
CURRENCY,

15 Defendant.

2:13-CV-00643-JAM-KJN

ORDER AND FINDINGS AND
RECOMMENDATIONS

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17 Presently pending before the court is the United States' motion for default
18 judgment and final judgment of forfeiture, which was noticed for hearing on January 16,
19 2014. (ECF No. 36.) Local Rule 230(c) requires any opposition to a motion to be "filed
20 and served not less than fourteen (14) days preceding the noticed (or continued) hearing
21 date....No party will be entitled to be heard in opposition to a motion at oral arguments if
22 opposition to the motion has not been timely filed by that party." E.D. Cal. L.R. 230(c).
23 Although any opposition to the instant motion was required to be filed at least fourteen
24 (14) days prior to the hearing, i.e., by January 2, 2014, no opposition or other response to
25 the motion was filed by any person. Accordingly, the court vacates the January 16, 2014
26 hearing and submits the motion upon the record and briefing on file pursuant to Local
27 Rule 230(g).

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1 Based on the United States’ motion, and the files and records of the court, THE
2 COURT FINDS as follows:

3 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed
4 April 3, 2013.

5 2. The United States has moved this Court, pursuant to Local Rule 540, for
6 entry of default judgment of forfeiture against potential claimants Asif Hafeez and
7 Marium Asif.

8 3. The United States has shown that a complaint for forfeiture was filed; that
9 potential claimants, Asif Hafeez and Marium Asif, received notice of the forfeiture action;
10 that any and all other unknown potential claimants have been served by publication; and
11 that grounds exist for entry of a final judgment of forfeiture.

12 Therefore, IT IS RECOMMENDED as follows:

13 4. That Asif Hafeez and Marium Asif be held in default;

14 5. That the United States’ motion for default judgment and final judgment of
15 forfeiture (ECF No. 36) be granted;

16 6. That judgment by default be entered against any right, title, or interests of
17 potential claimants Asif Hafeez and Marium Asif in the defendant currency referenced in
18 the above caption;

19 7. That a final judgment be entered, forfeiting all right, title, and interest in
20 the defendant currency to the United States, to be disposed of according to law.

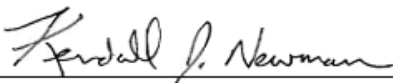
21 In light of the above, IT IS ALSO HEREBY ORDERED that the January 16, 2014
22 hearing is VACATED.

23 These findings and recommendations are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
25 fourteen (14) days after being served with these findings and recommendations, any party
26 may file written objections with the court and serve a copy on all parties. Such a
27 document should be captioned “Objections to Magistrate Judge’s Findings and
28 Recommendations.” Any reply to the objections shall be served on all parties and filed

1 with the court within fourteen (14) days after service of the objections. The parties are
2 advised that failure to file objections within the specified time may waive the right to
3 appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998);
4 Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

5 IT IS SO ORDERED AND RECOMMENDED.

6 Dated: January 10, 2014

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9 KENDALL J. NEWMAN
10 UNITED STATES MAGISTRATE JUDGE
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