BENJAMIN B. WAGNER 1 United States Attorney KEVIN C. KHASIGIAN 2 Assistant U. S. Attorney 501 I Street, Suite 10-100 3 Sacramento, CA 95814 Telephone: (916) 554-2700 4 Attorneys for the United States 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 UNITED STATES OF AMERICA, 2:13-CV-00764-KJM-DAD 12 Plaintiff, FINAL JUDGMENT OF FORFEITURE 13 v. 14 APPROXIMATELY \$42,000.00 IN U.S. CURRENCY, and 15 APPROXIMATELY \$18,000.00 IN U.S. 16 CURRENCY, 17 Defendants. 18 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds: 19 20 This is a civil forfeiture action against Approximately \$42,000.00 in U.S. Currency and Approximately \$18,000.00 in U.S. Currency ("defendant currency") seized on 21 or about November 8, 2012. 22 2.A Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on April 23

19, 2013, alleging that said defendant currency is subject to forfeiture to the United States

pursuant to 21 U.S.C. § 881(a)(6).

On April 22, 2013, the Clerk issued a Warrant for Arrest for the defendant 3. currency, and that warrant was executed on April 24, 2013.

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- 4. Beginning on April 26, 2013, for at least 30 consecutive days, the United States published Notice of the Forfeiture Action on the official internet government forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on June 6, 2013.
- 5. In addition to the public notice on the official internet government forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to the following individuals:
 - a. Mark Anthony Brown
 - b. Enrique Espinoza Leon
- 6. Claimants Mark Anthony Brown and Enrique Espinoza Leon ("claimants") filed Verified Claims on May 22, 2013, alleging an interest in the defendant currency and a Joint Answer to the Complaint on June 18, 2013. No other parties have filed claims or answers in this matter, and the time in which any person or entity may file a claim and answer has expired.

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

- 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and between the parties to this action.
- 2. That judgment is hereby entered against claimants Mark Anthony Brown and Enrique Espinoza Leon and all other potential claimants who have not filed claims in this action.
- 3. Upon entry of this Final Judgment of Forfeiture, \$23,500.00 of the \$42,000.00 in U.S. Currency and \$18,000.00 in U.S. Currency, together with any interest that may have accrued on the total amount seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.
- 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days thereafter, \$18,500.00 of the \$42,000.00 in U.S. Currency shall be returned to claimants Mark Anthony Brown and Enrique Espinoza Leon through their attorney David M. Michael.

- 5. The United States and its servants, agents, and employees and all other public entities, their servants, agents, and employees, are released from any and all liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant currency. This is a full and final release applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The parties waived the provisions of California Civil Code § 1542.
- 6. Claimants waived any and all claim or right to interest that may have accrued on the defendant currency.
 - 7. All parties are to bear their own costs and attorneys' fees.
- 8. The U.S. District Court for the Eastern District of California, Hon. Kimberly J. Mueller, District Judge, shall retain jurisdiction to enforce the terms of this Final Judgment of Forfeiture.

CERTIFICATE OF REASONABLE CAUSE

9. Based upon the allegations set forth in the Complaint filed April 19, 2013, and the Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the seizure and arrest of the defendant currency, and for the commencement and prosecution of this forfeiture action.

SO ORDERED THIS 20th day of March, 2014.

UNITED STATES DISTRICT JUDGE