

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

2:13-CV-01694-KJM-CKD

12 Plaintiff,

13 v.

FINAL JUDGMENT OF  
FORFEITURE

14 APPROXIMATELY \$48,091.56 IN U.S.  
CURRENCY,

15 Defendant.  
16

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

18 1. This is a civil action *in rem* brought Approximately \$48,091.56 in U.S.  
19 Currency (“defendant currency”), which was seized on or about March 5, 2013.

20 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on  
21 August 15, 2013, alleging that said defendant currency is subject to forfeiture to the  
22 United States pursuant to 21 U.S.C. § 881(a)(6).

23 3. On August 22, 2013, the Clerk issued a Warrant for Arrest for the defendant  
24 currency, and that warrant was duly executed on August 26, 2013.

25 4. Beginning on August 21, 2013, for at least 30 consecutive days, the United  
26 States published Notice of the Forfeiture Action on the official internet government  
27 forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov). A Declaration of Publication was filed on September  
28 23, 2013.

1           5.     In addition to the public notice on the official internet government forfeiture  
2 site www.forfeiture.gov, actual notice or attempted notice was given to the following  
3 individual(s): James Keith McCollum.

4           6.     Claimant James Keith McCollum filed an answer alleging an interest in the  
5 defendant currency on December 17, 2013. No other parties have filed claims or answers  
6 in this matter, and the time in which any person or entity may file a claim and answer  
7 has expired.

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

10          7.     The court adopts the Stipulation for Final Judgment of Forfeiture entered  
11 into by and between the parties to this action insofar as consistent with this order.

12          8.     Judgment is hereby entered against claimant James Keith McCollum and all  
13 other potential claimants who have not filed claims in this action.

14          9.     All right, title, and interest of James Keith McCollum in the Approximately  
15 \$48,091.56 in U.S. Currency, together with any interest that may have accrued, shall be  
16 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of  
17 according to law.

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

25          11.    Claimant James Keith McCollum waives any and all claim or right to  
26 interest that may have accrued on the defendant currency.

27          12.    All parties are to bear their own costs and attorneys' fees.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

13. The court, in its discretion, declines to maintain jurisdiction to enforce the terms of the parties' agreement. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994); *cf. Collins v. Thompson*, 8 F.3d 657, 659 (9th Cir. 1993). Unless there is some independent basis for federal jurisdiction, enforcement of the agreement is for state courts. *Kokkonen*, 511 U.S. at 382.

SO ORDERED THIS 4th day of June, 2014.

  
UNITED STATES DISTRICT JUDGE