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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

2:14-CV-01648-TLN-KJN

12 Plaintiff,

13 v.

FINDINGS AND  
RECOMMENDATIONS

14 REAL PROPERTY LOCATED AT 136  
SCONCE WAY, SACRAMENTO,  
15 CALIFORNIA, SACRAMENTO COUNTY,  
APN: 263-0327-002-0000, INCLUDING ALL  
16 APPURTENANCES AND IMPROVEMENTS  
THERE TO, and

17 REAL PROPERTY LOCATED AT 3723 IVY  
18 STREET, SACRAMENTO, CALIFORNIA,  
SACRAMENTO COUNTY, APN: 252-0111-  
19 007-0000, INCLUDING ALL  
20 APPURTENANCES AND IMPROVEMENTS  
THERE TO,

21 Defendants.

22  
23 This case, commenced on July 11, 2014, is a civil action *in rem* to forfeit to the United States  
24 two defendant real properties allegedly used to facilitate federal drug crimes. (ECF No. 1.) To date, no  
25 claims to the defendant real properties have been filed. On December 18, 2014, the Clerk of Court  
26 entered the default of potential claimants Curtis Phillips and Michelle Davis Phillips. (ECF No. 12.)

27 Presently pending before the court is the United States' motion for default judgment and final  
28 judgment of forfeiture, which was filed on December 19, 2014. (ECF No. 13.) On December 30,

1 2014, the court issued an order requiring any opposition to the motion to be filed no later than January  
2 22, 2015. (ECF No. 16.) That order was served on potential claimants Curtis Phillips and Michelle  
3 Davis Phillips at their last-known address. (ECF No. 17.) Although the deadline for filing an  
4 opposition has now passed, no opposition or other response to the motion was filed by Curtis Phillips,  
5 Michelle Phillips, or any other person.

6 After carefully considering the United States' motion, as well as the files and records of the  
7 court, the court FINDS as follows:

8 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed on or about  
9 July 11, 2014.

10 2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default  
11 judgment of forfeiture against potential claimants Curtis Phillips and Michelle Davis Phillips.

12 3. The United States has shown that a complaint for forfeiture was filed; that potential  
13 claimants Curtis Phillips and Michelle Davis Phillips received notice of the forfeiture action; that any  
14 and all other unknown potential claimants have been served by publication; and that grounds exist for  
15 entry of a final judgment of forfeiture.

16 Therefore, IT IS RECOMMENDED as follows:

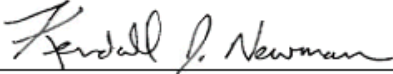
17 1. That Curtis Phillips and Michelle Davis Phillips be held in default;

18 2. That the United States' motion for default judgment and final judgment of forfeiture  
19 (ECF No. 13) be granted;

20 3. That judgment by default be entered against any right, title, or interest of potential  
21 claimants Curtis Phillips and Michelle Davis Phillips in the defendant properties referenced in the  
22 above caption; and

23 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant  
24 properties to the United States, to be disposed of according to law.

25 Dated: January 27, 2015

26   
27 KENDALL J. NEWMAN  
28 UNITED STATES MAGISTRATE JUDGE