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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$16,750.00 IN U.S.  
CURRENCY,

15 APPROXIMATELY \$97,438.70 SEIZED  
16 FROM WELLS FARGO BANK ACCOUNT  
NUMBER 7988959974,

17 APPROXIMATELY \$1,084.00 SEIZED  
18 FROM WELLS FARGO BANK ACCOUNT  
NUMBER 7988948290,

19 2009 HARLEY DAVIDSON ROAD KING  
20 FLHRC MOTORCYCLE, VIN:  
1HD1FR4399Y605921, CALIFORNIA  
21 LICENSE NUMBER: 19S0357,

22 2009 DODGE CHALLENGER, VIN:  
2B3LJ54T19H606557, CALIFORNIA  
23 LICENSE NUMBER: 6HTR425, and

24 2005 GENERAL MOTORS HUMMER H2,  
VIN: 5GRGN22U75H108697, CALIFORNIA  
25 LICENSE NUMBER: 7V53524,

26 Defendants.  
27

2:14-CV-01661-TLN-KJN

FINDINGS AND  
RECOMMENDATIONS

28 This case, commenced on July 15, 2014, is a civil action *in rem* to forfeit to the United States

1 several assets allegedly involved in violations of federal drug laws. (ECF No. 1.) To date, no claims to  
2 the defendant assets were filed, other than a claim by Ally Financial Inc. (ECF No. 13), with which the  
3 United States has entered into a stipulation for a final judgment of forfeiture. (ECF No. 20-1.) On  
4 November 3, 2014, the Clerk of Court entered the default of potential claimant Deborah L. Pollard, and  
5 on December 18, 2014, the Clerk of Court entered the default of potential claimants Curtis Phillips and  
6 Michelle Davis Phillips. (ECF Nos. 12, 15.)

7 Presently pending before the court is the United States' amended motion for default judgment  
8 and final judgment of forfeiture, which was filed on January 22, 2015. (ECF No. 20.) On January 26,  
9 2015, the court issued an order requiring any opposition to the motion to be filed no later than February  
10 19, 2015. (ECF No. 21.) That order, along with the underlying motion papers, was served on potential  
11 claimants Curtis Phillips, Michelle Phillips, and Deborah Pollard at their last-known addresses. (ECF  
12 No. 22.) Although the deadline for filing an opposition has now passed, no opposition or other  
13 response to the motion was filed by Curtis Phillips, Michelle Phillips, Deborah Pollard, or any other  
14 person.

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

17 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed on or about  
18 July 15, 2014.

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

22 3. The United States has shown that a complaint for forfeiture was filed; that potential  
23 claimants Curtis Phillips, Michelle Davis Phillips, and Deborah Pollard received notice of the forfeiture  
24 action; that any and all other unknown potential claimants have been served by publication; and that  
25 grounds exist for entry of a final judgment of forfeiture.

26 Therefore, IT IS RECOMMENDED as follows:

27 1. That Curtis Phillips, Michelle Davis Phillips, and Deborah Pollard be held in default;

28 2. That the United States' amended motion for default judgment and final judgment of


1 forfeiture (ECF No. 20) be granted;

2 3. That judgment by default be entered against any right, title, or interest of potential  
3 claimants Curtis Phillips, Michelle Davis Phillips, and Deborah Pollard in the defendant assets, subject  
4 to the interest of Ally Financial Inc. in the 2009 Dodge Challenger, referenced in the above caption;

5 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant  
6 assets to the United States, subject to the interest of Ally Financial Inc. in the 2009 Dodge Challenger,  
7 to be disposed of according to law.

8 These findings and recommendations are submitted to the United States District Judge assigned  
9 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being  
10 served with these findings and recommendations, any party may file written objections with the court  
11 and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate  
12 Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and  
13 filed with the court within fourteen (14) days after service of the objections. The parties are advised  
14 that failure to file objections within the specified time may waive the right to appeal the District Court's  
15 order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57  
16 (9th Cir. 1991).

17 Dated: March 2, 2015

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE  
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