

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$49,990.00 IN U.S.
CURRENCY,

Defendant.

No. 2:14-cv-02639-KJM-AC

ORDER

Pursuant to the Stipulation for Final Judgment of Forfeiture, ECF No. 16, the court finds:

1. This is a civil action against Approximately \$49,990.00 in U.S. Currency (“Defendant Currency”) seized on or about May 1, 2014.
2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on November 12, 2014, alleging that said defendant currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).
3. On November 18, 2014, the Clerk issued a Warrant for Arrest for the defendant currency, and that warrant was executed on November 24, 2014.

1 4. Beginning on November 18, 2014, for at least 30 consecutive days, the
2 United States published Notice of the Forfeiture Action on the official internet government
3 forfeiture site www.forfeiture.gov. A Declaration of Publication was filed on January 15, 2015.

4 5. In addition to the public notice on the official internet government
5 forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to the following
6 individual(s):

- 7 a. Vitikami Pisinga Vaenuku
- 8 b. Guadalupe Barron-Magana
- 9 c. Javier Gomez-Sosa
- 10 d. Kalatiola Lutu

11 6. Claimant Sina Vaenuku filed a claim alleging an interest in the Defendant
12 Currency on January 28, 2015. No other parties have filed claims or answers in this matter, and
13 the time in which any person or entity may file a claim and answer has expired.

14 7. The Clerk of the Court entered a Clerk's Certificate of Entry of Default
15 against Vitikami Pisinga Vaenuku, Guadalupe Barron-Magana, Javier Gomez-Sosa, and Kalatiola
16 Lutu on March 13, 2015. ECF No. 15. Pursuant to Local Rule 540, the United States and
17 claimant thus join in a request that as part of this Final Judgment of Forfeiture the court enter a
18 default judgment against the interests, if any, of Vitikami Pisinga Vaenuku, Guadalupe Barron-
19 Magana, Javier Gomez-Sosa, and Kalatiola Lutu without further notice.

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

22 1. The court adopts the Stipulation for Final Judgment of Forfeiture entered
23 into by and between the parties to this action.

24 2. Judgment is hereby entered against claimant Heath Smith and all other
25 potential claimants who have not filed claims in this action.

26 3. Upon entry of this Final Judgment of Forfeiture, \$39,990.00 of the
27 Approximately \$49,990.00 in U.S. Currency together with any interest that may have accrued on
28

1 the total amount seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6),
2 to be disposed of according to law.

3 4. Upon entry of this Final Judgment of Forfeiture, but no later than 60 days
4 thereafter, \$10,000.00 of the Approximately \$49,990.00 in U.S. Currency shall be returned to
5 Claimant Sina Vaenuku.

6 5. The United States and its servants, agents, and employees and all other
7 public entities, their servants, agents, and employees, are released from any and all liability
8 arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant
9 currency. This is a full and final release applying to all unknown and unanticipated injuries,
10 and/or damages arising out of said seizure, arrest, or forfeiture, as well as to those now known or
11 disclosed. The parties waived the provisions of California Civil Code § 1542.

12 6. Claimant waived any and all claim or right to interest that may have
13 accrued on the defendant currency.

14 7. All parties are to bear their own costs and attorneys' fees.

15 8. The undersigned shall retain jurisdiction to enforce the terms of this Final
16 Judgment of Forfeiture.

17 9. Based upon the allegations set forth in the Complaint filed November 12,
18 2014, and the Stipulation for Final Judgment of Forfeiture filed herein, the court enters this
19 Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
20 the seizure and arrest of the defendant currency, and for the commencement and prosecution of
21 this forfeiture action.

22 IT IS SO ORDERED.

23 DATED: April 20, 2015.

24
25 
26 UNITED STATES DISTRICT JUDGE
27
28