

1 BENJAMIN B. WAGNER  
2 United States Attorney  
3 MARILEE L. MILLER  
4 KEVIN C. KHASIGIAN  
5 Assistant U. S. Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700

5 Attorneys for the United States  
6  
7

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

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$63,176.00 IN U.S.  
15 CURRENCY,

16 Defendant.

2:14-mc-00087-MCE-EFB

CONSENT JUDGMENT OF  
FORFEITURE

17 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

18 1. On January 15, 2014, agents with the Drug Enforcement Administration  
19 (“DEA”) contacted Lian Chao Xiong (“Xiong”), at the Sacramento International Airport in  
20 Sacramento, California. Approximately \$63,176.00 in U.S. Currency (“defendant  
21 currency”) was seized from Xiong during this encounter.

22 2. The DEA commenced administrative forfeiture proceedings, sending direct  
23 written notice to all known potential claimants and publishing notice to all others. On or  
24 about March 18, 2014, the DEA received a claim from Xiong asserting an ownership  
25 interest in the defendant currency.

26 3. The United States represents that it could show at a forfeiture trial that on  
27 January 15, 2014, agents with the DEA received information regarding suspicious travel  
28 by Xiong, including the timing and manner of his ticket purchase. Law enforcement

1 agents responded to the terminal and observed Xiong exit the flight and enter the  
2 transportation tram. The agents followed Xiong and made contact with him in the  
3 terminal. The deputies requested Xiong's permission to search his carry-on luggage.  
4 Xiong consented. Inside the carry-on luggage, deputies located a substantial amount of  
5 cash inside a manila envelope. The deputies escorted Xiong to an office in the airport,  
6 where DEA agents were waiting.

7 4. The United States could further show at a forfeiture trial that once inside  
8 the room, law enforcement agents performed a search of Xiong's person and discovered  
9 stacks of cash in several of Xiong's pockets. Most of the stacks on Xiong's person were  
10 rubber banded in \$1,000.00 increments. When asked, Xiong said he was carrying  
11 \$20,000.00 but then changed his answer to \$60,000.00. He said his brother-in-law had  
12 given him the money for the purchase of a house in Sacramento, but when asked to  
13 produce information about the house or real estate agent, he was unable to do so. A drug  
14 detection dog alerted to the smell of narcotics emanating from the defendant currency.

15 5. The United States could further show at a forfeiture trial that Xiong has a criminal  
16 history that includes an arrest in 2013. The arrest came after DEA agents executed a search warrant on  
17 a crate Xiong had shipped from Sacramento, California to North Reading, Massachusetts. The crate  
18 contained sixty (60) pounds of marijuana and led to the arrest of Xiong and the seizure of various  
19 assets, including \$19,600.00 in U.S. currency. The arrest and seizure came after a DEA investigation  
20 that revealed that individuals, including Xiong, were trafficking large amounts of marijuana from  
21 California to Massachusetts and Pennsylvania and transporting large amounts of cash back to the west  
22 coast, specifically Northern California.

23 6. The United States could further show at a forfeiture trial that the  
24 defendant currency is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

25 7. Without admitting the truth of the factual assertions contained in the  
26 stipulation, claimant specifically denying the same, and for the purpose of reaching an  
27 amicable resolution and compromise of this matter, claimant agrees that an adequate  
28 factual basis exists to support forfeiture of the defendant currency. Xiong hereby

1 acknowledges that he is the sole owner of the defendant currency, and that no other  
2 person or entity has any legitimate claim of interest therein. Should any person or  
3 entity institute any kind of claim or action against the government with regard to its  
4 forfeiture of the defendant currency, claimant shall hold harmless and indemnify the  
5 United States, as set forth below.

6       8. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345  
7 and 1355, as this is the judicial district in which acts or omissions giving rise to the  
8 forfeiture occurred.

9       9. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial  
10 district in which the defendant currency was seized.

11      10. The parties herein desire to settle this matter pursuant to the terms of a  
12 duly executed Stipulation for Consent Judgment of Forfeiture.

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

15      1. The Court adopts the Stipulation for Consent Judgment of Forfeiture  
16 entered into by and between the parties.

17      2. Upon entry of this Consent Judgment of Forfeiture, \$36,010.00 of the  
18 Approximately \$63,176.00 in U.S. Currency, together with any interest that may have  
19 accrued on the total amount seized, shall be forfeited to the United States pursuant to 21  
20 U.S.C. § 881(a)(6), to be disposed of according to law.

21      3. Upon entry of this Consent Judgment of Forfeiture, but no later than 60  
22 days thereafter, \$27,166.00 of the Approximately \$63,176.00.00 in U.S. Currency shall  
23 be returned to claimant Lian Chao Xiong through his attorney Suzan Yee.

24      4. The United States of America and its servants, agents, and employees and  
25 all other public entities, their servants, agents and employees, are released from any and  
26 all liability arising out of or in any way connected with the seizure or forfeiture of the  
27 defendant currency. This is a full and final release applying to all unknown and  
28 unanticipated injuries, and/or damages arising out of said seizure or forfeiture, as well

1 as to those now known or disclosed. Claimants waived the provisions of California Civil  
2 Code § 1542.

3 5. No portion of the stipulated settlement, including statements or admissions  
4 made therein, shall be admissible in any criminal action pursuant to Rules 408 and  
5 410(a)(4) of the Federal Rules of Evidence.

6 6. All parties will bear their own costs and attorney's fees.

7 7. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed  
8 herein, the Court enters a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465,  
9 that there was reasonable cause for the seizure of the above-described defendant  
10 currency.

11 IT IS SO ORDERED

12 Dated: November 16, 2015

13   
14 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
15 UNITED STATES DISTRICT COURT  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28