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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-MC-00090-TLN-AC

12 Plaintiff,

13 v.

CONSENT JUDGMENT OF
 FORFEITURE

14 APPROXIMATELY \$165,499.00 IN U.S.
 CURRENCY, and

15 APPROXIMATELY \$25,232.67 SEIZED FROM
 16 MERRILL LYNCH WEALTH MANAGEMENT
 ACCOUNT NUMBER 243-26197,

17 Defendants.
 18

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

20 1. On January 9, 2014, officers with San Joaquin County Metropolitan Task Force
 21 (“METRO”) executed a state search warrant at 17644 N. Kennison Lane, Lodi, California, the
 22 residence of Jimmy and Elena Rogers. The officers seized \$165,499.00 (“defendant currency”) in cash,
 23 49 pounds of processed marijuana, and numerous firearms. Also on January 9, 2014, METRO officers
 24 also executed a state search warrant on Merrill Lynch Wealth Management and seized approximately
 25 \$25,232.67 from account number 243-26197 (“defendant funds”). The Drug Enforcement
 26 Administration (“DEA”) adopted the defendant currency and defendant funds on February 7, 2014.

27 2. The DEA commenced administrative forfeiture proceedings, sending direct written
 28

1 notice to all known potential claimants and publishing notice to all others. On or about April 4, 2014,
2 the DEA received a claim from Jimmy and Elena Rogers asserting an ownership interest in the
3 defendant currency and defendant funds.

4 3. The United States represents that it could show at a forfeiture trial that on or about
5 On January 9, 2014, officers with METRO executed a state search warrant at 17644 N. Kennison Lane,
6 Lodi, California, the residence of Jimmy and Elena Rogers. The officers seized the defendant
7 currency, 49 pounds of processed marijuana, 8 rifles, 2 shotguns, 5 handguns, 2 digital scales and 139.9
8 grams of what appeared to be “keef” or concentrated cannibuss. Also on January 9, 2014, METRO
9 officers also executed a state search warrant on Merrill Lynch Wealth Management and seized the
10 defendant funds from account number 243-26197.

11 4. The United States could further show at a forfeiture trial that the defendant currency
12 and defendant funds are forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

13 5. Without admitting the truth of the factual assertions contained in this stipulation, Jimmy
14 and Elena Rogers specifically deny the same, and for the purpose of reaching an amicable resolution
15 and compromise of this matter, Jimmy and Elena Rogers agree that an adequate factual basis exists to
16 support forfeiture of the defendant currency and defendant funds. Jimmy and Elena Rogers hereby
17 acknowledge that they are the sole owner of the defendant currency and defendant funds, and that no
18 other person or entity has any legitimate claim of interest therein. Should any person or entity institute
19 any kind of claim or action against the government with regard to its forfeiture of the defendant
20 currency and defendant funds, Jimmy and Elena Rogers shall hold harmless and indemnify the United
21 States, as set forth below.

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

24 7. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in
25 which the defendant currency and defendant funds were seized.

26 8. The parties herein desire to settle this matter pursuant to the terms of a duly executed
27 Stipulation for Consent Judgment of Forfeiture.

28 Based upon the above findings, and the files and records of the Court, it is hereby ORDERED

1 AND ADJUDGED:

2 9. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by and
3 between the parties.

4 10. Upon entry of the Consent Judgment of Forfeiture, \$104,499.00 of the Approximately
5 \$165,499.00 in U.S. Currency, together with any interest that may have accrued on the total amount
6 seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
7 according to law.

8 11. Upon entry of the Consent Judgment of Forfeiture, but no later than 60 days thereafter,
9 \$61,000.00 of the Approximately \$165,499.00 in U.S. Currency and the Approximately \$25,232.67
10 seized from Merrill Lynch Wealth Management Account Number 243-26197, shall be returned to
11 potential claimants Jimmy and Elena Rogers through their attorney Thomas A. Johnson.

12 12. The United States of America and its servants, agents, and employees and all other
13 public entities, their servants, agents and employees, are released from any and all liability arising out
14 of or in any way connected with the seizure or forfeiture of the defendant funds. This is a full and final
15 release applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure
16 or forfeiture, as well as to those now known or disclosed. Jimmy and Elena Rogers waive the
17 provisions of California Civil Code § 1542.

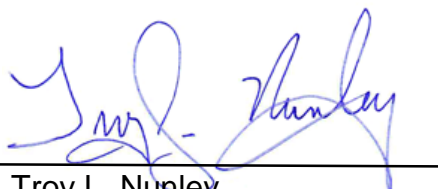
18 13. No portion of the stipulated settlement, including statements or admissions made
19 therein, shall be admissible in any criminal action pursuant to Rules 408 and 410(a)(4) of the Federal
20 Rules of Evidence.

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

22 15. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court
23 enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause
24 for the seizure of the above-described defendant currency and defendant funds.

25 IT IS SO ORDERED.

26 Dated: March 27, 2015

27 
28 Troy L. Nunley
United States District Judge