

1 PHILLIP A. TALBERT  
United States Attorney  
2 KEVIN C. KHASIGIAN  
Assistant U. S. Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700

5 Attorneys for the United States

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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 \$227,555.00 IN U.S.  
CURRENCY, and

15 APPROXIMATELY \$294,191.00 IN U.S.  
16 CURRENCY,

17 Defendants.

2:17-CV-01204-WBS-KJN

FINDINGS AND  
RECOMMENDATIONS

18 This matter came before the Honorable Judge Kendall J. Newman on the United States' *ex parte*  
19 motion for default judgment and final judgment of forfeiture, filed on August 18, 2017. (ECF No. 15.)  
20 That same day, the court issued a minute order requiring any opposition to the motion to be filed within  
21 28 days. (ECF No. 16.) Although that deadline has now passed, no opposition was filed. There was  
22 also no appearance by or on behalf of any other person or entity claiming an interest in the above-  
23 captioned defendant currency. Based on the United States' motion and the files and records of the  
24 court, THE COURT FINDS as follows:

- 25 1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed June 8, 2017.  
26 2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default  
27 judgment of forfeiture against potential claimants Daniel Munoz Acosta and Ruby Delgadillo.  
28 3. The United States has shown that a complaint for forfeiture was filed; that potential

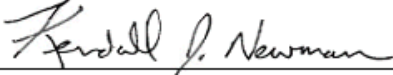
1 claimants Daniel Munoz Acosta and Ruby Delgadillo received notice of the forfeiture action; that any  
2 and all other unknown potential claimants have been served by publication; and that grounds exist for  
3 entry of a final judgment of forfeiture.

4 Therefore, IT IS RECOMMENDED as follows:

- 5 1. That Daniel Munoz Acosta and Ruby Delgadillo be held in default;
- 6 2. That the United States' motion for default judgment and final judgment of forfeiture  
7 (ECF No. 15) be granted;
- 8 3. That judgment by default be entered against any right, title, or interest of potential  
9 claimants Daniel Munoz Acosta and Ruby Delgadillo in the defendant currency referenced in the above  
10 caption;
- 11 4. That a final judgment be entered, forfeiting all right, title, and interest in the defendant  
12 currency to the United States, to be disposed of according to law;
- 13 5. That The Clerk of Court be directed to close this case.

14 These findings and recommendations are submitted to the United States District Judge assigned  
15 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being  
16 served with these findings and recommendations, any party may file written objections with the court  
17 and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate  
18 Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and  
19 filed with the court within fourteen (14) days after service of the objections. The parties are advised  
20 that failure to file objections within the specified time may waive the right to appeal the District Court's  
21 order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57  
22 (9th Cir. 1991).

23 Dated: September 25, 2017

24   
25 KENDALL J. NEWMAN  
26 UNITED STATES MAGISTRATE JUDGE  
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