

1 PHILLIP A. TALBERT  
 Acting 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

6  
 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.

2:17-MC-00039-WBS-CKD

**CONSENT JUDGMENT OF FORFEITURE**

14 APPROXIMATELY \$138,531.79 IN ESCROW  
 15 PROCEEDS OF 2306 NIGHTINGALE AVE.,  
 STOCKTON, CALIFORNIA,  
 16 Defendant.

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

19 1. On September 2, 2016, agents with the Federal Bureau of Investigation (“FBI”) executed a  
 20 Federal seizure warrant at Old Republic Title Company in Lodi, California and seized Approximately  
 21 \$138,531.79 in escrow proceeds from the sale of the real property located at 2306 Nightingale Avenue,  
 22 Stockton, California (“defendant asset”).

23 2. The FBI commenced administrative forfeiture proceedings, sending direct written notice  
 24 to all known potential claimants and publishing notice to all others. On or about December 8, 2016, the  
 25 FBI received a claim from Janet Paniagua (“Paniagua”) asserting an ownership interest in the defendant  
 26 asset.

27 3. The United States represents that it could show at a forfeiture trial that the seizure in this  
 28 case stems from an investigation and the execution of federal seizure warrant in connection with the drug

1 trafficking activities in the Stockton area. During the investigation, agents established probable cause to  
2 believe that a colleague of Paniagua's conducted financial transactions to purchase real properties to  
3 conceal the origin of the illegal narcotics trafficking proceeds. This colleague enlisted the aid of real  
4 estate  
5 professionals to use the proceeds from his drug trafficking to acquire real estate and use straw owners to  
6 hide his true ownership interest in the properties.

7         4.       The United States represents that it could further show at a forfeiture trial that 2306  
8 Nightingale Avenue in Stockton, California was purchased by Gloria Montes in October of 2009. Montes  
9 transferred title to Eufemia Torrencillas in November of 2009, and in August 2014, Torrencillas  
10 transferred  
11 title to Janet Paniagua. Although the property is in Paniagua's name, the taxes for the property are paid  
12 by  
13 a business owned by a separate person associated with the colleague mentioned in the preceding  
14 paragraph.

15         5.       The United States represents that it could further show at a forfeiture trial that the  
16 defendant asset is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) for violations of 21  
17 U.S.C. §§ 841, *et seq.*

18         6.       Without admitting the truth of the factual assertions contained in this stipulation,  
19 claimant specifically denies the same, and for the purpose of reaching an amicable resolution and  
20 compromise of this matter, claimant agrees that an adequate factual basis exists to support forfeiture of  
21 the defendant asset. Janet Paniagua hereby acknowledges that she is the sole owner of the defendant  
22 asset, and that no other person or entity has any legitimate claim of interest therein. Should any person  
23 or entity institute any kind of claim or action against the government with regard to its forfeiture of the  
24 defendant asset, claimant shall hold harmless and indemnify the United States, as set forth below.

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

27         8.       This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in  
28 which some of the defendant asset was seized.

1           9.       The parties herein desire to settle this matter pursuant to the terms of a duly executed  
2 Stipulation for Consent Judgment of Forfeiture.

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

5           10.       The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by and  
6 between the parties.

7           11.       Upon entry of the Consent Judgment of Forfeiture, \$58,531.79 of the Approximately  
8 \$138,531.79 in Escrow Proceeds of 2306 Nightingale Ave., Stockton, California, along with any  
9 interest that may have accrued on the total amount seized, shall be forfeited to the United States  
10 pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

11           12.       Upon entry of the Consent Judgment of Forfeiture, but no later than 60 days thereafter,  
12 \$80,000.00 of the Approximately \$138,531.79 in Escrow Proceeds of 2306 Nightingale Ave., Stockton,  
13 California, shall be returned to claimant Janet Paniagua through her attorney Mark Reichel.

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

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


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

24           16.       Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court  
25 enters a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause  
26 for the seizure of the above-described defendant asset.

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

**IT IS SO ORDERED.**

**DATED:** April 23, 2021

  
\_\_\_\_\_  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE