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

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$33,794.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:17-MC-00090-TLN-CKD

CONSENT JUDGMENT OF FORFEITURE

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

18 1. On or about January 28, 2016, agents with the Drug Enforcement Administration
19 (“DEA”) executed a federal search warrant and an arrest warrant for Arnulfo Sanchez (“Sanchez” or
20 “claimant”) at his residence located at 1479 Plumas Street, Yuba City, CA. Agents seized
21 Approximately \$33,794.00 in U.S. Currency (hereafter the "defendant currency").

22 2. Claimants do not dispute the United States’ representation that it could show at a
23 forfeiture trial the following: In 2015, and continuing into 2016, Sanchez was the owner/operator of La
24 Habana, a restaurant and bar in Yuba City, California. Local law enforcement suspected that Sanchez
25 was using the bar as a cover for the sale of methamphetamine. Local law enforcement, in conjunction
26 with the DEA, initiated an investigation into Sanchez. In April 2015, law enforcement officers received
27 authorization to intercept calls on a cellular telephone used by Sanchez. Law enforcement officers
28 intercepted telephone calls to and from Sanchez’s phone between April 22, 2015, and May 21, 2015.

1 Recorded telephone calls demonstrated that Sanchez was regularly selling methamphetamine.

2 3. Claimants do not dispute the United States' representation that it could show at a
3 forfeiture trial that on May 1, 2015, Sanchez sold one-half pound of methamphetamine to an undercover
4 DEA agent in exchange for \$1,900 in cash. Sanchez met the undercover agent in a public parking lot in
5 Yuba City. Sanchez and the DEA undercover agent were the only individuals present at the drug
6 transaction.

7 4. Claimants does not dispute the United States' representation that on January 28, 2016,
8 law enforcement executed a federal search warrant at Sanchez's residence at 1479 Plumas Street,
9 Yuba City, California. During execution of the search warrant, law enforcement officers seized 345
10 grams of methamphetamine and \$33,794 in U.S. Currency. The currency is proceeds from drug
11 trafficking.

12 5. On February 11, 2016, an Indictment was filed in the Eastern District of California
13 charging Vicente Velazquez, Pedro Fuentes, Arnulfo Sanchez, and others with Conspiracy to
14 Distribute Methamphetamine in violation of 21 U.S.C. §§ 846 and 841(a)(1) and Distribution of
15 Methamphetamine in violation of 21 U.S.C. § 841(a)(1), among other drug violations. The Indictment
16 contained a Forfeiture Allegation that included the defendant currency. The United States and
17 Sanchez entered into a plea agreement wherein he agreed to sign this Stipulation for Consent
18 Judgment of Forfeiture forfeiting his right, title, and interest in the defendant currency.

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

21 7. Without admitting the truth of the factual assertions contained above, claimants Arnulfo
22 Sanchez and Maria Sanchez ("claimants") specifically denying the same, and for the purpose of
23 reaching an amicable resolution and compromise of this matter, claimants agree that an adequate
24 factual basis exists to support forfeiture of the defendant currency. Claimants acknowledged that they
25 are the sole owners of the defendant currency, and that no other person or entity has any legitimate
26 claim of interest therein. Should any person or entity institute any kind of claim or action against the
27 government with regard to its forfeiture of the defendant currency, claimants shall hold harmless and
28 indemnify the United States, as set forth below.

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

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

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

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

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

11 2. All right, title, and interest of Arnulfo Sanchez and Maria Sanchez in the
12 Approximately \$33,794.00 in U.S. Currency, plus any accrued interest, shall be forfeited to the United
13 States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

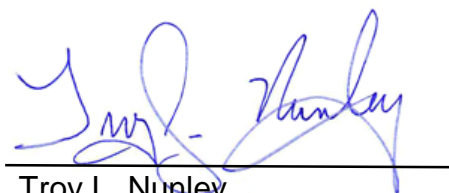
14 3. The United States of America and its servants, agents, and employees and all other
15 public entities, their servants, agents and employees, are released from any and all liability arising out
16 of or in any way connected with the seizure or forfeiture of the defendant currency. This is a full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

20 4. 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 5. All parties will bear their own costs and attorney's fees.

24 IT IS SO ORDERED

25 Dated: June 6, 2017

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27 
28 Troy L. Nunley
United States District Judge