

1 McGREGOR W. SCOTT
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.

14 APPROXIMATELY \$28,000.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:18-MC-00057-MCE-KJN

CONSENT JUDGMENT OF FORFEITURE

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

18 1. On December 2, 2017, inspectors with the United States Postal Inspection Service
19 (“USPIS”) seized approximately \$28,000.00 in U.S. Currency (“the defendant currency”) from
20 Roderick Allen Stanback (“Stanback” or “claimant”) during a parcel interdiction at the Processing and
21 Distribution Center located in West Sacramento, California.

22 2. USPIS commenced administrative forfeiture proceedings, sending direct written notice to
23 all known potential claimants and publishing notice to all others. On or about February 2, 2018, USPIS
24 received a claim from Stanback asserting an ownership interest in the defendant currency.

25 3. The United States represents that it could show at a forfeiture trial that on December 2,
26 2017, USPIS conducted a parcel interdiction at the Processing and Distribution Center located at 3775
27 Industrial Boulevard, West Sacramento, California. During the interdiction, law enforcement officials
28 identified a parcel that bore markers consistent with parcels used for shipping contraband, Priority Mail

1 Express parcel #EK979556843US. The package was addressed to Rod Stanback, 741 5th Street, Apt
2 217, West Sacramento, California 95605, with the following return address: Nathan Mays, 285 West
3 Valley. On the return address the City, State, and Zip code were missing. The subject parcel originated
4 from Holly Springs, Mississippi 38635.

5 4. The United States represents that it could further show at a forfeiture trial that the parcel
6 was presented to a drug detection dog, who positively alerted to the presence of the odor of narcotics.

7 5. The United States represents that it could further show at a forfeiture trial that on
8 December 2, 2017, law enforcement went to the recipient address and spoke to an apartment manager
9 who confirmed that Stanback lives at apartment 217. They were unable to locate Stanback. The
10 apartment manager called Stanback for law enforcement and then gave them the phone. They
11 explained they needed to discuss the package with Stanback. He gave consent to open Priority Mail
12 Express parcel #EK979556843US. Inside the parcel was another smaller priority mail box and some
13 linens. Inside the priority mail box was another smaller priority mail box with four smaller priority
14 mail boxes. In each of the four boxes was a small yellow padded envelope. Inside each of the small
15 yellow padded envelopes was U.S. currency totaling \$28,000.00. The currency consisted of 710 \$20
16 bills and 138 \$100 bills. The parcel did not contain any notes, receipts, or instructions.

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

19 7. Without admitting the truth of the factual assertions contained above, Stanback
20 specifically denying the same, and for the purpose of reaching an amicable resolution and compromise
21 of this matter, claimant agreed that an adequate factual basis exists to support forfeiture of the
22 defendant currency. Stanback acknowledged that he is the sole owner of the defendant currency, and
23 that no other person or entity has any legitimate claim of interest therein. Should any person or entity
24 institute any kind of claim or action against the government with regard to its forfeiture of the
25 defendant currency, claimant shall hold harmless and indemnify the United States, as set forth below.

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

28 9. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in

1 which the defendant currency was seized.

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

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

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

8 2. Upon entry of this Consent Judgment of Forfeiture, \$16,000.00 of the Approximately
9 \$28,000.00 in U.S. Currency, together with any interest that may have accrued on the total amount
10 seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
11 according to law.

12 3. Upon entry of this Consent Judgment of Forfeiture, but no later than 60 days thereafter,
13 \$12,000.00 of the Approximately \$28,000.00 in U.S. Currency shall be returned to claimant Roderick
14 Allen Stanback through his attorney Isaac Safier.

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

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

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

25 ///

26 ///

27 ///

28 ///

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

4 IT IS SO ORDERED.

5 Dated: October 3, 2018

6 
7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28