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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

2:19-cv-00738-TLN-CKD

12 Plaintiff,

ORDER

13 v.

14 APPROXIMATELY \$7,500.00 IN U.S.
CURRENCY,

15 Defendant.
16

17 The United States of America (“Government”) filed the above-entitled forfeiture in rem action,
18 seeking entry of a default judgement against potential claimants and the entry of a final judgment to
19 forfeit to the Government “Approximately \$7,500.00 in U.S. Currency” (“defendant currency”) under
20 21 U.S.C. § 881(a)(6). The matter was referred to a United States Magistrate Judge pursuant to Local
21 Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

22 Currently before the Court is the Government’s ex parte Motion for Default Judgment pursuant
23 to Federal Rule of Civil Procedure 55(b)(2). (ECF No. 12.) There was no appearance by or on behalf
24 of any other person or entity claiming an interest in the above-captioned defendant currency to oppose
25 the Government’s motion.¹

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27 ¹ The Court notes the Government properly served notice on potential claimants Kurtis Miller, Jr., and Kurtis Miller,
28 Sr. and provided notice of the action to any other potential claimants via publication, in compliance with Supplemental Rule
G(4)(b) (formerly known as the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions). On
September 4, 2019, the Clerk entered default as to Kurtis Miller, Jr., and Kurtis Miller, Sr. (ECF No. 11.)

1 On November 20, 2019, the magistrate judge filed findings and recommendations herein which
2 contained notice to the parties that any objections to the findings and recommendations were to be filed
3 within fourteen days. (ECF No. 13.) No objections to the Findings and Recommendations have been
4 filed.

5 Accordingly, the Court presumes that any findings of fact are correct. See *Orand v. United*
6 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de
7 novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983); see also 28
8 U.S.C. § 636(b)(1).

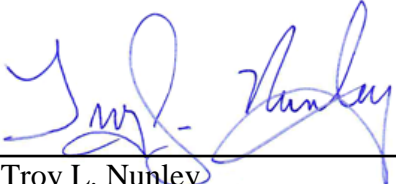
9 Having reviewed the file under the applicable legal standards, the Court finds the Findings and
10 Recommendations to be supported by the record and by the magistrate judge's analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Findings and Recommendations, filed on November 20, 2019 (ECF No. 13), are adopted
13 in full;
- 14 2. The Government's Motion for Default Judgment (ECF No. 12) is GRANTED;
- 15 3. A judgment by default is hereby entered against any right, title, or interest of all potential
16 claimants, including Kurtis Miller, Jr. and Kurtis Miller, Sr., in the defendant currency referenced in the
17 above caption;
- 18 4. A Final Judgment of Forfeiture is hereby entered pursuant to 21 U.S.C. § 881(a)(6),
19 forfeiting all right, title, and interest in the defendant currency to the Government to be disposed of
20 according to law; and
- 21 5. All parties shall bear their own costs and attorney's fees.

22 IT IS SO ORDERED.

23 Dated: December 2, 2019

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26 
27 Troy L. Nunley
28 United States District Judge