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9 Attorneys for Defendants



10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 JOSE FARIAS HERNANDEZ, )  
15 Plaintiff, )  
16 v. )  
17 UNITED STATES OF AMERICA, U.S. )  
DEPARTMENT OF JUSTICE, DRUG )  
18 ENFORCEMENT ADMINISTRATION )  
(DEA) )  
19 Defendants. )  
20

No. C07-05501 MEJ  
REQUEST FOR JUDICIAL NOTICE OF  
DEFAULT JUDGMENT AGAINST  
PROPERTY AT ISSUE

21 Pursuant to Evidence Code sections 452 and 453, Defendants United States of America,  
22 U.S. Department of Justice, and Drug Enforcement Administration (collectively "Defendants")  
23 hereby request that this Court take judicial notice of the public records attached hereto and  
24 incorporated herein.

25 A court may take judicial notice of the official acts of the executive of any state or of any  
26 facts that are not reasonably subject to dispute and are capable of immediate and accurate  
27 determination by resort to sources of indisputable accuracy. Federal Rule of Evidence Judicial  
28 notice of these matters is mandatory if a party requests it, and gives each party sufficient notice of  
the request and furnishes the court with sufficient information to enable it to take judicial notice

1 of the request. Evid. Code sec. 453. Defendants hereby request that the Court take judicial  
2 notice of the following:

3 1. The attached Exhibit A is a true and correct copy of the "Judgment of Forfeiture"  
4 from the related case *United States v. \$324,100.00 in United States Currency*, Nevada Civil No.  
5 08-00071, filed in the U.S. District Court, District of Nevada, on or about October 1, 2008. This  
6 document is a public record on file with the U.S. District Court, District of Nevada, and is  
7 capable of immediate and accurate verification through PACER.

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9 Dated: February 13, 2008

Respectfully submitted,

10 JOSEPH P. RUSSONIELLO  
11 United States Attorney

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14 DAVID B. COUNTRYMAN  
15 Assistant United States Attorney  
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# EXHIBIT A

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	3:08-cv-0071- ECR- VPC
v.	)	
	)	JUDGMENT OF FORFEITURE
\$324,100.00 IN UNITED STATES CURRENCY.)	)	
Defendant.	)	

A verified Complaint for Forfeiture in Rem was filed on February 11, 2008. The Complaint alleges that the defendant funds, in their entirety, represent proceeds traceable to the exchange of controlled substances in violation of Title II of the Controlled Substances Act, 21 U.S.C., §§ 801-et seq., and/or is property which constitutes money furnished or intended to be furnished by a person in exchange for a controlled substance or listed chemical in violation of Title II of the Controlled Substances Act, 21 U.S.C., §§ 801-et seq., and are, therefore, subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(6).

Process was fully issued in this action and returned according to law.

Pursuant to a Summons and Warrant of Arrest in Rem for the Property issued by this Court on February 14, 2008, the United States Marshals Service arrested the defendant property on April 29, 2008.

Appropriate public notice of this forfeiture action and arrest was given to all persons and entities by publication in the Reno Gazette-Journal.

Statutory notice compliant with Rule G(4), Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, was given to known prospective claimants.

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No claim, answer, or other responsive pleading has been filed on behalf of any person. Default was entered on September 24, 2008, of the defendant funds, specified individuals and entities, and all other persons or entities who claim an interest in the defendant property.

Now, therefore, good cause appearing, it is hereby ORDERED, ADJUDGED, AND DECREED that Judgment be and is entered against the defendant

\$324,100.00 IN UNITED STATES CURRENCY

and against all persons and/or entities, having any interest in such property and that the defendant property be, and the same is, hereby forfeited to the United States of America and no right, title, or interest in the defendant property shall exist in any other party. The defendant property shall be disposed of according to law.

Date: October 1, 2008

*Edward C. Reed.*  
UNITED STATES DISTRICT JUDGE