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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 10cv1383-JAH(JMA)
)	
Plaintiff,)	JUDGMENT
)	OF FORFEITURE
v.)	
)	
\$16,280.00 IN U.S. CURRENCY,)	
)	
Defendant.)	
_____)	

Having reviewed the foregoing Joint Motion and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved.

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendant, \$16,280.00 in U.S. Currency, ("defendant currency").

2. The parties have agreed to a settlement which is hereinafter described in its particulars:

a. \$14,280.00 of the defendant currency shall be forfeited and condemned to the United States pursuant to Title 21, United States Code, Section 881. \$2,000.00 of the defendant currency, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect, shall be returned to the claimant Omar Avila, through his attorney of record, James J. Warner, Esq.

3. The terms of this settlement do not affect the tax obligations, fines, penalties, or any other monetary obligations the claimant owes to the United States.

4. The person or persons who made the seizure or the prosecutor shall not be liable to suit or judgment on account of such seizure in accordance with Title 28, United States Code, Section 2465. Claimant has agreed that by entering into this joint motion, he has not “substantially prevailed” within the meaning of 28 U.S.C. § 2465. All parties shall bear their own costs and expenses, including attorney fees. Judgment shall be entered in favor of the United States on its complaint.

5. Claimant has warranted and represented as a material fact that he is the sole owner of the defendant currency and has further warranted that no other person or entity has any right, claim or interest in the defendant currency, and that he will defend and indemnify the United States against any and all claims made against it on account of the seizure and forfeiture of the defendant currency.

6. The Claimant, his agents, employees, or assigns, shall hold and save harmless the United States of America, its agents and employees, from any and all claims which might result from the seizure of the defendant currency.

This case is hereby ordered closed. Let judgment be entered accordingly.

DATED: November 4, 2010

John A. Houston, Judge
United States District Court