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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 \$16,200.00 IN U.S. CURRENCY,

13 Defendant.

Case No. 17cv1919-CAB(JMA)

JUDGMENT OF FORFEITURE

[Doc. No. 14]

14
15 Upon consideration of the Joint Motion For Settlement re: Defendant Currency, and
16 good cause appearing therefor, it is **ORDERED** that the Joint Motion is **GRANTED**.
17 Accordingly, it is further **ORDERED** as follows:

18 1. \$15,000.00 (fifteen thousand dollars) in U.S. currency of the defendant
19 \$16,200.00 IN U.S. CURRENCY (“\$16,200 in currency”) shall be returned to claimant
20 Richard Smith through his attorney, Richard M. Barnett.

21 2. The remainder of the defendant \$16,200 in currency, consisting of \$1,200.00
22 (one thousand two hundred dollars) in U.S. currency, shall be condemned and forfeited to
23 the United States.

24 3. Any costs incurred by the United States incident to the seizure, custody, and
25 forfeiture of the defendant \$16,200 in currency shall be borne by the United States.

26 4. Claimant Richard Smith has agreed that by entering into this stipulation, he
27 has not “substantially prevailed” within the meaning of Title 28, United States Code,
28 Section 2465.

1 5. The person or persons who made the seizure or the prosecutor shall not be
2 liable to suit or judgment on account of such seizure in accordance with Title 28,
3 United States Code, Section 2465.

4 6. Claimant Richard Smith has warranted and represented as a material fact that
5 he is the sole owner of the defendant \$16,200 in currency and further warranted that no
6 other person or entity has any right, claim or interest in the defendant currency, and that he
7 will defend and indemnify the United States against any and all claims made against it on
8 account of the seizure and forfeiture of the defendant \$16,200 in currency.


9 7. The terms of this settlement do not affect the tax obligations, fines, penalties,
10 or any other monetary obligations claimant Richard Smith may owe to the United States.

11 8. The parties to this settlement have agreed that each will bear their own
12 attorney's fees and costs.

13 9. Claimant Richard Smith, his agents, employees, or assigns, shall hold and
14 save harmless the United States of America, its agents and employees, from any and all
15 claims which might result from the seizure of the defendant \$16,200 in currency.

16 10. This case is hereby ordered **CLOSED**. Let judgment be entered accordingly.
17 It is **SO ORDERED**.

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19 Dated: December 20, 2017

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21 _____
22 Hon. Cathy Ann Bencivengo
23 United States District Judge
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