

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-01481-RM-KMT

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$921.00 IN UNITED STATES CURRENCY, and
\$5,165.00 IN UNITED STATES CURRENCY,

Defendants.

**ORDER GRANTING MOTION FOR DEFAULT AND
FINAL ORDER OF FORFEITURE (ECF NO. 34)**

THIS MATTER is before the Court on the United States' Motion for Default and Final Order of Forfeiture ("Motion") (ECF NO. 34) as to defendants \$921.00 and \$5,165.00 in United States Currency. The Court having reviewed the unopposed Motion, the applicable law, and being otherwise fully advised, FINDS and CONCLUDES:

THAT by the filing of a Verified Complaint the United States commenced this action *in rem* pursuant to 21 U.S.C. § 881;

THAT all known interested parties have been provided written notice of and an opportunity to respond to the Verified Complaint (ECF Nos. 9, 13, 15 & 27);

THAT notice of the action was published as required by Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (ECF No. 11);

THAT, after proper notice, neither the known potential claimant, nor any other third party, has filed a claim, answer, or other responsive document as to defendants \$921.00 and \$5,165.00 in United States Currency as required by Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and the time for doing so has expired;

THAT defendants are \$921.00 and \$5,165.00 in United States Currency, *in rem*, and are not an infant, incompetent person, officer or agency of the United States or the State of Colorado, or in the military service;

THAT the Clerk entered default pursuant to Fed.R.Civ.P. 55(a) on February 14, 2014 (Doc. 33);

THAT based upon the unrefuted facts and verification set forth in the Verified Complaint, it appears by a preponderance of the evidence that there was reasonable cause for the seizure of defendants \$921.00 and \$5,165.00 in United States Currency, and a Certificate of Reasonable Cause should be granted pursuant to 28 U.S.C. § 2465. It further appears that there is cause to issue a forfeiture order under 21 U.S.C. § 881;

THAT the unrefuted facts and verifications as set forth in the Verified Complaint provide probable cause and an ample basis by a preponderance of the evidence for a final Judgment and Order of Forfeiture as to defendants \$921.00 and \$5,165.00 in United States Currency; and

THAT the Clerk of Court shall be directed to enter Judgment as to defendants \$921.00 and \$5,165.00 in United States Currency.

THEREFORE, IT IS ORDERED as follows:

THAT default and forfeiture of defendants \$921.00 and \$5,165.00 in United States Currency, including all right, title, and interest, are hereby entered in favor of the United States pursuant to 21 U.S.C. § 881;

THAT the United States shall have full and legal title as to defendants \$921.00 and \$5,165.00 in United States Currency and may dispose of said property in accordance with law;

THAT this Default and Final Order of Forfeiture shall serve as a Certificate of Reasonable Cause as to defendants \$921.00 and \$5,165.00 in United States Currency under 28 U.S.C. § 2465; and

THAT the Clerk of Court is directed to enter Judgment as to defendants \$921.00 and \$5,165.00 in United States Currency.

DATED this 3rd day of April, 2014.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge