

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03177-MEH

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$7,403.00 IN UNITED STATES CURRENCY, and
2010 TOYOTA RAV4, VIN: 2T3DK4DV6AW031923

Defendants.

ORDER ON MOTION FOR DEFAULT AND FINAL ORDER OF FORFEITURE

Michael E. Hegarty, United States Magistrate Judge.

This case was reassigned to the undersigned by District Judge Raymond P. Moore upon consent of the parties (docket #9) pursuant to 28 U.S.C. § 636(c) and this District's Pilot Program to Implement the Direct Assignment of Civil Cases to Full Time Magistrate Judges. Before the Court is the United States' Motion for Default and Final Order of Forfeiture [filed February 26, 2015; docket #14]. The Court, having reviewed the Motion, the case file, and the applicable law and being sufficiently advised, finds and concludes that:

1. Defendant Toyota is described as one 2010 Toyota RAV4, VIN 2T3DV6AW031923, and was seized on June 17, 2014, from Feng Mei Dai; it is titled in the name Feng Mei Dai and is believed to be encumbered by a lien held by Toyota Financial Services.

2. Defendant \$7,403.00 in United States currency was seized on June 17, 2014, from Asian Massage, a/k/a Balanced Healing Massage & Day Spa, located at 3198 F Road, Suite 106, Grand Junction, Colorado.

3. The United States of America commenced this civil action in rem pursuant to 18 U.S.C. § 981(a)(1)(C).

4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

5. Venue is proper in the State and District of Colorado under 28 U.S.C. § 1395.

6. All known potential claimants have been provided an opportunity to respond and publication has been effected as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

7. After proper notice, neither the known potential claimants, nor any other third party, has filed a claim or answer as to Defendant assets.

8. The Clerk of the Court entered default pursuant to Fed. R. Civ. P. 55(a) on February 10, 2015. (Docket #13.)

9. Based on the facts and verification set forth in the Verified Complaint, it appears by a preponderance of the evidence that there was probable cause to believe Feng Mei Dai committed violations of 18 U.S.C. § 1952(a)(3) by conducting prostitution operations and using Internet websites to advertise and promote the prostitution services offered at her spa business. A preponderance of the evidence also provides probable cause to believe that Feng Mei Dai used proceeds from the spa business to make monthly payments for the Defendant Toyota and accumulated from the prostitution business the Defendant \$7,403.00.

10. Both of the Defendant assets, therefore, are subject to forfeiture as proceeds traceable or derived therefrom pursuant to 18 U.S.C. § 981(a)(1)(C), providing for a forfeiture of “[a]ny property, real or personal, which constitutes or is derived from proceeds traceable to a violation of ... any offense constituting ‘specified unlawful activity’ (as defined in section 1956(c)(7) of this

title), or a conspiracy to commit such offense.”

Therefore, the Court **grants** United States’ Motion for Default and Final Order of Forfeiture [filed February 26, 2015; docket #14] for the following properties: \$7,403.00 in United States currency, and 2010 Toyota RAV4, VIN: 2T3DK4DV6AW031923, including granting all rights, title, and interest to the United States pursuant to 18 U.S.C. § 981(a)(1)(C). It is further ordered that:

(1) the United States shall have full and legal title as to the Defendant properties and may dispose of said properties in accordance with the law;

(2) this Default and Order of Forfeiture shall serve as a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465;

(3) the Clerk of Court shall enter Judgment as to Defendant properties; and

(4) Plaintiff United States of America is further awarded its costs, if any, upon the filing of a Bill of Costs within fourteen days of entry of judgment.

Dated at Denver, Colorado, this 2nd day of April, 2015.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge