

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:12-cv-1380-T-30AEP

\$46,840.00 IN U.S. CURRENCY,

Defendant.

DEFAULT JUDGMENT OF FORFEITURE

THIS CAUSE comes before the Court upon the filing of the United States' Motion for entry of a Default Judgment of Forfeiture (Doc. 13) for \$46,840.00 in U.S. currency (Defendant Funds), pursuant to Fed. R. Civ. P. Rule 55(b)(2), and Local Admiralty Rule 7.03(i)(1).

Being fully advised in the premises, the Court hereby finds that the United States filed a Verified Complaint for Forfeiture *in Rem* seeking forfeiture of the Defendant Funds, pursuant to 21 U.S.C. § 881(a)(6), as moneys furnished or intended to be furnished by a person in exchange for a controlled substance, proceeds traceable to such an exchange, and moneys intended to be used to facilitate a federal controlled substance offense. Doc. 1.

The Court further finds that the United States commenced publication of this civil forfeiture action on its official website, www.forfeiture.gov, for a period of 30 consecutive days, through and including June 23, 2012, as required by

Supplemental Rule G(4)(a)(i) & (iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure (Supp'l Rule G). Doc. 6.

The Court further finds that the United States sent a Notice of Complaint for Forfeiture *in Rem*, copies of the Verified Complaint for Forfeiture *in Rem* and Warrant of Arrest *in Rem*, an Acknowledgment of Receipt of Notice of Verified Complaint for Forfeiture, and the Notice of Designation Under Local Rule 3.05, via certified United States mail and first class mail to all known potential claimants. Doc. 8, Ex. A. The Notice of Forfeiture directed the recipients to file a Statement of Right or Interest within 35 days after receipt of the notice and file an Answer within 21 days after filing the Statement of Right or Interest with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2nd Floor, 801 North Florida Avenue, Tampa, Florida 33602. The Notice further advised that the “[f]ailure to follow the requirements set forth above may result in judgment by default taken against you for relief demanded in the Complaint. You may wish to seek legal advice to protect your interests.”

The Court further finds that the United States filed a Motion for Clerk’s Entry of Default for William Chavis, Jr., BMS Distributors, Inc., Justin Gensel, Registered Agent for BMS Distributors, Inc., and Kelly Marie Gilmore, for failure to file a statement of right or interest within the time proscribed by law, and on August 27,

2012, pursuant to Fed. R. Civ. P. 55(a), the Clerk entered a Default as to the Defendant Funds. Docs. 8-12.

The Court further finds that the Defendant Funds were seized pursuant to a Warrant of Arrest *in Rem* issued by this Court as required by Supp'l Rule G(3)(b) & (c). Doc. 7.

The Court further finds that no person or entity has filed either a claim or an answer to the complaint for forfeiture, or has otherwise appeared or answered in this regard, and the time to do so has expired. Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that the United States' motion (Doc. 13) is GRANTED.

It is FURTHER ORDERED that pursuant to Fed. R. Civ. P. 55(b)(2) and Local Admiralty Rule 7.03(i)(1), judgment of default is hereby entered against William Chavis, Jr., BMS Distributors, Inc., Justin Gensel, Registered Agent for BMS Distributors, Inc., and Kelly Marie Gilmore, for failure to file a claim within 35 days from the receipt of notice of the forfeiture, as required under Supp'l Rule G(5)(a)(ii)(A). Any further claims or statements of interest are time-barred.

It is FURTHER ORDERED that all right, title, and interest in the Defendant Funds are hereby forfeited to the United States of America, pursuant to 21 U.S.C. § 881(a)(6), Fed. R. Civ. P. 55(b)(2) and Local Admiralty Rule 7.03(i)(1), and clear title to the Defendant Funds is vested in the United States of America for disposition according to law.

The Clerk is directed to CLOSE this file.

DONE and **ORDERED** in Tampa, Florida on August 29, 2012.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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