

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:13-cv-1378-T-30AEP

\$379,797.57 IN FUNDS SEIZED
FROM PNC MERCHANT SERVICES
CORPORATION RESERVE ACCOUNT
NUMBER 277221992997

JUDGMENT OF FORFEITURE

THIS CAUSE comes before the Court on the United States' Consent Motion to Reopen Case and for a Judgment of Forfeiture for \$180,000.00 of the Defendant Funds. (Doc. 28) The Court reopens this case and finds that \$180,000.00 of the Defendant Funds is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and Supp'l Rule G, Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions.

Having been fully advised in the premises, the Court finds that \$180,000.00 of the Defendant Funds is forfeitable to the United States because the funds are proceeds, or derived from proceeds, of wire fraud and identity theft, in violation of 18 U.S.C. §§ 1343 and 1028. The \$180,000.00 is thus property constituting or derived from proceeds traceable to a violation of an offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of Title 18) and subject to civil forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C).

The Court further finds that the only party known to have an alleged interest in the Defendant Funds is the Claimant, First Data Merchant Services Corporation. In accordance with the provisions of Supp'l Rule G(4)(b)(i), the Claimant received actual notice of this action and was sent a copy of the Complaint for Forfeiture *in Rem*. Pursuant to the Stipulated Settlement Agreement, the Claimant agreed to the civil forfeiture of \$180,000.00 of the Defendant Funds. The United States seeks to dismiss the remaining \$199,797.57 and return those funds to the Claimant.

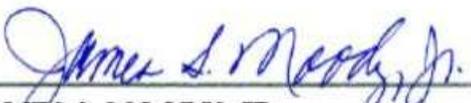
The Court further finds that the United States filed a Declaration of Publication which reflects that notice of this forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, beginning on May 31, 2013, pursuant to Supp'l Rule G(4)(a)(iv)(C). No other person or entity has filed a claim and the time for filing such a claim has expired. Thus, it is now appropriate for the Court to enter a Judgment of Forfeiture for \$180,000.00 of the Defendant Funds.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The United States' Consent Motion to Reopen Case and for a Judgment of Forfeiture for \$180,000.00 of the Defendant Funds (Doc. 28) is hereby GRANTED.
2. The Clerk of Court shall reopen this case.

3. Pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and Supp'l Rule G, all right, title, and interest in \$180,000.00 of the Defendant Funds, is hereby CONDEMNED and FORFEITED to the United States for disposition according to law. Clear title to \$180,000.00 of the Defendant Funds is now vested in the United States of America.
4. The Clerk of Court shall enter a Judgment of Forfeiture in the amount of \$180,000.00 in favor of the United States of America.
5. The remaining \$199,797.57 of the Defendant Funds is hereby dismissed.
6. The Clerk of Court is directed to close this case.

DONE and ORDERED in Tampa, Florida, this 11th day of July, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record