

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:17-cv-1791-T-33TBM

ELEVEN FIREARMS,

Defendants.

**DEFAULT JUDGMENT OF FORFEITURE**

THIS CAUSE comes before the Court upon the United States' Motion, pursuant to Federal Rule of Civil Procedure Rule 55(b)(2) and Middle District of Florida Local Rule 7.03(i)(1), for entry of a Default Judgment of Forfeiture for the following:

- a. Shooter Arms Manufacturing, Inc. 1911A1, .45 caliber pistol, serial number GI11071;
- b. Accu-Tek AT380, .380 caliber pistol, serial number 011977;
- c. Taurus PT100, .40 caliber pistol, serial number SGX96899;
- d. Ruger Blackhawk .357 caliber revolver, serial number 32-93232;
- e. Ruger 10/22, .22 caliber rifle, serial number 121-33815;
- f. SWAT Firearms Co., 30-30 caliber rifle, serial number SF-03432;
- g. Mossberg 500, .12 caliber shotgun, serial number K565761;

- h. Marlin Firearms Co., 30-30 caliber rifle, serial number 11079990;
- i. CBC (Companhia Brasileira De Cartuchos) 7022, .22 caliber rifle, serial number E014866;
- j. Savage Stevens 124, .12 caliber shotgun, no serial number; and
- k. Remington Arms Company, Inc., .22 caliber rifle, serial number 277924.

(the Defendant Firearms).

The United States filed a verified complaint for civil forfeiture against the Defendant Firearms on the theory that they were used or involved in a knowing violation of 18 U.S.C. § 922(g). Doc. 1.

Beginning on August 11, 2017, through and including September 9, 2017, the United States published notice of the present action on its official website, [www.forfeiture.gov](http://www.forfeiture.gov), as required by Supplemental Rule G(4)(a)(i) & (iv)(C) of the Federal Rules of Civil Procedure. Doc. 8.

On July 5, 2017, the United States sent notice of this forfeiture action, via certified United States mail and first class mail, to the only known potential claimant, Ricardo Viscaino Escalera, in accordance with the requirements of Rule G(4)(b) and Local Rule 7.03.

The Notice Package included: (1) a Notice of Complaint for Forfeiture

*in Rem*, (2) a copy of the Amended Verified Complaint for Forfeiture *in Rem* and Warrant of Arrest *in Rem*, (3) an Acknowledgment of Receipt of Notice of Verified Complaint for Forfeiture, and (4) the Notice of Designation Under Local Rule 3.05. The Notice of Forfeiture directed the recipient to file a Statement of Right or Interest with the Clerk of Court within 35 days after receipt of the notice.

The Notice of Forfeiture specifically advised that, in order to contest the United States' civil forfeiture complaint, the claimant was required to: (a) file a Statement of Right or Interest within 35 days after receipt of the notice; and (b) file an Answer within 21 days after filing the Statement of Right or Interest. The notice further instructed the potential claimant to file a Statement of Right or Interest and Answer with the Office of the Clerk, United States District Court, Sam Gibbons Federal Courthouse, 2<sup>nd</sup> Floor, 801 North Florida Avenue, Tampa, Florida 33602. Finally, the notice 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.”

On October 18, 2017, the United States filed a Motion for Clerk's Entry of Default against Ricardo Viscaino Escalera, and on October 19, 2017, the

Clerk entered the requested Defaults. *See* Docs. 9 and 10.

As no one has filed a claim, or has otherwise appeared to contest the forfeiture, and the time to do so has expired, it is accordingly, hereby:

ORDERED, ADJUDGED and DECREED that the United States' motion is GRANTED,

It is FURTHER ORDERED that pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Rule 7.03(i)(1), judgment of default is hereby entered against Ricardo Viscaino Escalera and the Defendant Firearms. Any further claims or statements of interest are time-barred.

It is FURTHER ORDERED that all right, title, and interest in the Defendant Firearms are hereby forfeited to the United States of America, pursuant to 18 U.S.C. § 924(d)(1), Federal Rule of Civil Procedure 55(b)(2), and Local Rule 7.03(i)(1), and clear title to the Defendant Firearms is vested in the United States of America for disposition according to law.

DONE and ORDERED in Tampa, Florida, this 27<sup>th</sup> day of October, 2017.

  
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VIRGINIA M. HERNANEZ COVINGTON  
United States District Court Judge

Copies to:  
Suzanne C. Nebesky  
Counsel of Record