

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-62556-CIV-COHN/SELTZER

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$25,000.00 IN CASH, U.S. CURRENCY,  
SEIZED FROM FEDERAL EXPRESS  
PACKAGE SENT ON AUGUST 4, 2011,  
BY ROBERTO LEZCANO, IN TAMARAC,  
FLORIDA, TO ERIC HARP IN GREENWOOD  
VILLAGE, COLORADO,

Defendant.

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**DEFAULT JUDGMENT OF FORFEITURE**

**THIS CAUSE** is before the Court upon Plaintiff United States of America's Motion for Default Judgment of Forfeiture [DE 10] ("Motion"). The Court has considered the Motion, the Verified Complaint for Forfeiture In Rem [DE 1], all other relevant parts of the record in this case, and is otherwise fully advised in the premises. No response to the Motion has been filed, and the time for responding has now passed.

The Court makes the following findings of fact:

1. On December 1, 2011, Plaintiff filed a Verified Complaint for Forfeiture In Rem [DE 1] against the defendant property on the grounds that the defendant property constitutes or is derived from proceeds traceable to violations of "specified unlawful activities" as defined in 18 U.S.C. § 1956(c)(7) and/or § 1961(1), as referenced by § 1956(c)(7)(A), including 18 U.S.C. § 1955 (prohibition of illegal gambling businesses), and/or proceeds from drug deals, in violation of 21 U.S.C. § 846 and/or § 841(a)(1), or

property used or intended to be used in any manner or part, to facilitate the commission of a drug deal(s), in violation of 21 U.S.C. §§ 801 *et seq.* See 18 U.S.C. § 981(a)(1)(C).

2. The defendant property is particularly described as follows: \$25,000.00 IN CASH, U.S. CURRENCY, SEIZED FROM FEDERAL EXPRESS PACKAGE SENT ON AUGUST 4, 2011, BY ROBERTO LEZCANO, IN TAMARAC, FLORIDA, TO ERIC HARP IN GREENWOOD VILLAGE, COLORADO (hereinafter, “defendant property”).

3. On December 1, 2011, a Warrant of Arrest In Rem was issued and served on the defendant property [DE’s 4, 6]. Notice of this action, along with copies of the Complaint and Warrant, were sent to: Christopher Grillo, Esq., attorney for Joseph Fafone, the alleged owner of the defendant currency and claimant with DEA in the administrative process. The envelope was delivered via Federal Express on December 6, 2011.

4. On February 8, 2012, a Clerk’s Default was entered against the defendant property [DE 9].

5. Public Notice of Action and Arrest was published on a government website as required by Supplemental Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions on December 3, 2011. Proof of the Publication was filed with the Court on February 6, 2012 [DE 7].

6. The time for filing a petition pursuant to publication on an official government site expired sixty (60) days after the first day of publication pursuant to Supplemental Rule G(5)(a)(ii)(B), which in this case was February 2, 2012, and no claim was filed by any person in response thereto.

Based upon the above findings, it is hereby

**ORDERED AND ADJUDGED** that Plaintiff United States of America's Motion for Default Judgment of Forfeiture [DE 10] is **GRANTED**, and judgment is hereby entered in favor of Plaintiff United States of America and against the *in rem* defendant \$25,000.00 in cash, U.S. Currency, and all potential claimants. All right, title, claim and interest in the defendant property is hereby **FORFEITED** to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C). Accordingly, all right, title and interest in the \$25,000.00 is hereby vested in the United States of America. It is further

**ORDERED AND ADJUDGED** that the forfeited property shall be disposed of according to the law. It is further

**ORDERED AND ADJUDGED** that \$25,000.00 in U.S. currency, and all persons claiming any right, title, or interest in or to the said defendant currency, including Joseph Fafone, are held in default. It is further

**ORDERED AND ADJUDGED** that any pending motions are **DENIED as moot**, and the Clerk of the Court is directed to **CLOSE** this case.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, on this 29th of February, 2012.

  
JAMES I. COHN  
United States District Judge

Copies provided to:  
Counsel of record via CM/ECF