

United States Of America v. Winchester, Model 70, .300 Caliber Rifle, Serial Number G2431579 et al Doc. 14

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CV110-44
)
WINCHESTER, MODEL 70, .300)
CALIBER RIFLE, SERIAL NUMBER)
G2431579, et al.,)
Defendant.)

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE AND DISTRIBUTION**

Plaintiff, the United States of America, has moved this Court, pursuant to Fed. R. Crim. P. 55, for the entry of a Default Judgment and Final Order of Forfeiture and Distribution against the following Defendants:

- (1) Winchester, Model 70, .300 caliber rifle, serial number G2431579
- (2) Remington, Model 7400, 30-06 caliber rifle, serial number 8197471 (2 rounds of ammo on stock)
- (3) Winchester, Model 70, 30-06 caliber rifle, serial number G2594420
- (4) Savage, Model 110, .270 caliber rifle, serial number F633372
- (5) Remington, Model 742 Woodsmaster, .243 caliber rifle, serial number 7422639 (loaded)
- (6) Deutsche Waffen & Munitions, Model Mauser, 30-06 caliber rifle, serial number B2711
- (7) Remington, Model 700, 30-06 caliber rifle, serial number 6751861
- (8) Marlin, Model 25MN, .22 caliber rifle, serial number 08621388
- (9) Remington, Model 1100, 12 gauge shotgun, serial number L727642V
- (10) Savage, Model 311 Series H, .410 gauge shotgun, serial number E538876
- (11) Hunter Arms, Model Deluxe, 12 gauge shotgun, serial number 124721
- (12) Harrington and Richardson, Model Topper M48, 12 gauge shotgun, serial number 4781
- (13) Lloyd & Co. William & Arthur, 12 gauge shotgun, no serial number (Antique Firearm)

- (14) Ruger, Model Mini 14, .223 caliber rifle, serial number 18685649
- (15) Marlin, Model 3079, 30-30 caliber rifle, serial number 0B003074
- (16) Marlin, Model 336CS, .35 caliber rifle, serial number 16049337
- (17) Marlin, Model 60, .22 caliber rifle, serial number 14486621
- (18) Ruger, Model 10/22, .22 caliber rifle, serial number 11327488
- (19) Winchester, Model 77, .22 caliber rifle, serial number 82171 (loaded)
- (20) Rossi, Model 88, .38 caliber revolver, serial number W017238 (loaded)
- (21) FEG, Model P9R, 9mm caliber pistol, serial number R51853
- (22) Colt, Model Lawman MKII, .357 caliber revolver, serial number 97371J (loaded)
- (23) Iver Johnson, Model 66 Trialsman, .38 caliber revolver, serial number P1019
- (24) 32 rounds of Remington .357 caliber ammunition
- (25) 15 rounds of Western Cartridge Company 5.56 caliber ammunition
- (26) Shinn-A-Sipja, 12 gauge shotgun, serial number 01295
- (27) Lassalle, Model EJM, 12 gauge shotgun, serial number 10490
- (28) Savage, Model Mark II, .22 caliber rifle, serial number 060506 (loaded)
- (29) 20 rounds of .300 caliber ammunition
- (30) 5 rounds of 12 gauge ammunition
- (31) 261 rounds of assorted ammunition
- (32) 38 rounds of assorted ammunition
- (33) 505 rounds of assorted ammunition
- (34) 102 rounds of assorted ammunition
- (35) 67 rounds of assorted ammunition
- (36) 9 rounds of .300 caliber ammunition
- (37) 29 rounds of assorted ammunition
- (38) 9 rounds of assorted ammunition
- (39) 2035 rounds of assorted ammunition
- (40) Remington, Model 7400, 30-06 caliber rifle, serial number B8436221 (loaded)
- (41) Marlin, Model 41, .22 caliber rifle, serial number none
- (42) Ruger, Model P91DC, .40 caliber pistol, serial number 340-20788
- (43) Harrington and Richardson, Model 732, .32 caliber revolver, serial number AG26170
- (44) 52 rounds of assorted ammunition
- (45) 2 rounds of Remington, 30-06 caliber ammunition removed from the stock of item #2
- (46) 4 rounds of Winchester 30-06 caliber ammunition removed from item #3
- (47) 3 rounds of Remington .243 caliber ammunition removed from item #5
- (48) 3 rounds of Remington 30-06 caliber ammunition removed from item #6
- (49) 4 rounds of Remington 30-06 caliber ammunition removed from item #39
- (50) 12 rounds of Federal .40 caliber ammunition removed from the magazine for item #45
- (51) 5 rounds of Norma Projectilfabrik .32 caliber ammunition removed from item #46
- (52) 4 rounds of Winchester .38 caliber ammunition removed from item #20
- (53) Simmons scope attached to item #1
- (54) Simmons scope attached to item #2

- (55) Simmons scope attached to item #3
- (56) Simmons scope attached to item #4
- (57) Tasco scope attached to item #5
- (58) Nikon scope attached to item #6
- (59) Sovereign scope attached to item #7
- (60) Tasco scope attached to item #8
- (61) Bushnell scope attached to item #15
- (62) Tasco scope attached to item #16
- (63) Redfield scope attached to item #18
- (64) Simmons scope attached to item #39
- (65) Unknown brand scope attached to item #40

(collectively, “the Defendant Property”), as well as against Adam Murphy, Garth Shaw, Mitzi Vines, and Robert Murphy, their heirs, successors and assigns and all other persons and entities having an interest in the Defendant Property. Plaintiff has shown that there was reasonable cause to seize the Defendant Property; that a Verified Civil Complaint for Forfeiture *In Rem* was filed pursuant to 18 U.S.C. § 924(d)(1), which allows for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. 922(g); that all known parties were served with proper process; and that all other unknown potential claimants have been served by publication. As reflected by the record in this case, all persons and entities having interest in the Defendant Property have failed to appear, file a timely valid claim or answer, or otherwise defend the action. No person with standing is before the Court with cause to show why judgment by default should not be granted to the United States of America and against the Defendant Property. Furthermore, no person with standing is before the Court to object to the United States’ Application for Default Judgment and Motion for Final Order of Forfeiture and Distribution.

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

1. The United States’ Application for Default Judgment and Motion for Final Order of Forfeiture and Distribution are GRANTED;

2. The Defendant Property is hereby condemned and forfeited to the United States of America, and all right, title, claim and interest to the Defendant Property by Adam Murphy, Garth Shaw, Mitzi Vines, and Robert Murphy, their heirs, successors and assigns and all other persons and entities are vested in the United States of America;

3. Adam Murphy, Garth Shaw, Mitzi Vines, and Robert Murphy, their heirs, successors and assigns and all other persons and entities are forever barred from asserting a claim against the Defendant Property;

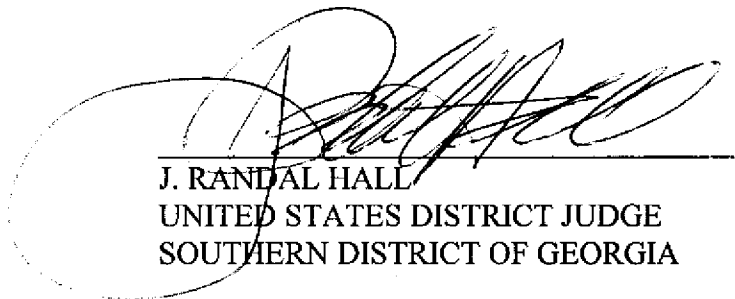
4. The Bureau of Alcohol, Tobacco, Firearms and Explosives or an authorized designee shall dispose of the Defendant Property according to law and regulatory procedures;

5. The Bureau of Alcohol, Tobacco, Firearms and Explosives or an authorized designee shall pay from the Defendant Property all expenses of the Department of Justice and Bureau of Alcohol, Tobacco, Firearms and Explosives related to the seizure and forfeiture of the Defendant Property;

6. The remaining portion of the Defendant Property shall be deposited by the Bureau of Alcohol, Tobacco, Firearms and Explosives into the Department of Justice Asset Forfeiture Fund in accordance with 28 U.S.C. § 524(c); and

7. The Clerk is hereby directed to enter judgment pursuant Rule 58 of the Federal Rules of Civil Procedure upon the same terms and conditions as outlined in this Default Judgment and Final Order of Forfeiture and Distribution.

SO ORDERED, this 7th day of October, 2010, in *Winchester, Model 70, .300 Caliber Rifle, Serial Number G2431579, et al.*, CV110-44.



J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

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