

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. 1:10cv254LG-RHW

**\$32,310.00 IN UNITED STATES
CURRENCY**

DEFENDANT

DEFAULT JUDGMENT OF FORFEITURE

This matter comes before the Court on the Motion [10] for Default Judgment of Forfeiture filed by the United States of America (“Government”) and, finding that the relief sought by such motion has merit and should be granted, the Court further finds and adjudicates as follow:

1. The Complaint for Forfeiture *in Rem* in this matter was filed on June 4, 2010, and the defendant property, described above, is presently in the custody of the United States Marshals Service in the seized asset fund.

2. Subsequently, on June 10, 2010, a copy of the Complaint for Forfeiture *in Rem* and Notice of Forfeiture Action was mailed by regular and certified mail, to Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang as noted in the Proof of Service filed on July 14, 2010 (Ct. Doc. No. 6). Additionally, a notice of the forfeiture was also published on the official government internet website (www.forfeiture.gov) for a period of at least 30 consecutive days commencing on June 14, 2010 as noted in the Declaration of Publication filed on July 14, 2010 (Ct. Doc. No. 5).

3. The notice informed Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang and any other persons or entities, known or unknown claiming an interest in the

defendant property, that this civil forfeiture action was pending, that they had at least thirty-five (35) days from receipt of notice to file a claim and twenty (20) days after filing the claim to file an answer. Further, for guidance in the preparation of a claim and answer, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims, and warned that if this rule was not strictly followed, any claim and answer could be stricken and a default judgment of forfeiture or summary judgment rendered.

4. The Government took all reasonable measures to insure that Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang, and any other possible claimant, received such notice in a timely fashion. To this date however, neither Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang, nor any other person or entity has filed a claim, answer, or any other pleading in this case, nor has anyone otherwise appeared herein, individually or through a representative. Therefore, Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang and any other possible claimants, are in total default, the Entry of Default made by the Clerk (Ct. Doc. No. 9) was entirely proper, and the Government is entitled to a default judgment of forfeiture, all without the necessity of any further notice to Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The Motion [10] for Default Judgment of Forfeiture filed by the United States of America is **GRANTED**. The United States of America is hereby given a default judgment of forfeiture against the defendant property described below:

\$32,310.00 in United States Currency;

and against the interest therein of Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang and any and all persons or entities having or claiming an interest in defendant property;

b. Title to defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Kiet Anh Tri Le, Dzuy Bao Huynh, and Long Nhan Dang, are hereby canceled;

c. Defendant property is referred to the custody of the United States Marshals Service for disposition in accordance with law and regulations.

SO ORDERED AND ADJUDGED this the 6th day of December, 2010.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE