

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

UNITED STATES OF AMERICA

PLAINTIFF

v.

CAUSE NO. 1:11-CV-42-LG-RHW

\$100,040.00 in UNITED STATES CURRENCY

DEFENDANT

DEFAULT JUDGMENT OF FORFEITURE

BEFORE THE COURT is the Motion for Default Judgment of Forfeiture [21] filed by the United States of America (“Government”). 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 February 4, 2011 [1], and pursuant to order of this Court [3], the defendant property, described above, was arrested by the United States Marshal Service.
2. Subsequently, a copy of the Complaint for Forfeiture *in Rem* and Notice of Forfeiture Action were served by certified mail, return-receipt requested, upon all potential claimants as noted in the Proof of Service filed on November 29, 2011 [17]. 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 beginning on March 17, 2011 as noted in the Declaration of Publication filed on November 29, 2011 [16].
3. These notices informed Eduardo Ramos, Enterprise Leasing Company, and any other persons or entities, known or unknown, claiming an interest in the

defendant property, that the defendant property had been arrested, that this civil forfeiture action was pending, that they had at least thirty-five (35) days from receipt of notice or sixty (60) days after the first publication of notice on an official government website 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 Eduardo Ramos, Enterprise Leasing Company, and any other possible claimant, received such notice in a timely fashion. On May 2, 2011, Eduardo Ramos filed a Verified Claim [5] in response to the government's Complaint and on May 24, 2011, Eduardo Ramos filed an Answer [7] to the government's Complaint. On November 28, 2011, the Verified Claim and Answer filed by Eduardo Ramos was stricken from this action pursuant to Rule G(8)(c)(i)(A) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions [15]. As of this date, no 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, Eduardo Ramos, Enterprise Leasing Company, and any other possible claimants, are in total default, the Entry of Default made by the Clerk [20] was entirely proper, and the Government is entitled to a default judgment of forfeiture, all without the necessity of any further notice to Eduardo Ramos, Enterprise Leasing Company, or

any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the defendant property described below:

\$100,040.00 in United States Currency

and against the interest therein of Eduardo Ramos, Enterprise Leasing Company, and any and all persons or entities having or claiming an interest in the defendant property;

b. Title to the defendant property is hereby vested in the United States of America and any administrative claims or interests therein of any persons or entities, including Eduardo Ramos, are hereby canceled;

c. The 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 8th day of December, 2011.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE