

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:13CV00771 AGF
)
SIXTY-NINE THOUSAND, NINE)
HUNDRED AND TEN DOLLARS)
(\$69,910.00) U.S. CURRENCY,)
)
Defendant.)

MEMORANDUM AND ORDER

This forfeiture action is before the Court on the motion of Plaintiff, the United States of America, for default judgment against the defendant property, \$69,910.00 in United States currency. The defendant property was seized from Juan Williams in an April 2012 investigation into a St. Louis area drug distribution operation and Plaintiff asserts that it was intended to be used to purchase controlled substances in violation of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*

Plaintiff initiated these *in rem* forfeiture proceedings on April 22, 2013, under 21 U.S.C. § 881(a)(6). Claimant Juan Williams was served with process by way of United States mail and other potential claimants have been notified of this action by the required publication concerning the action. No claimant has responded to service or publication. On July 9, 2013, Plaintiff filed a motion for entry of default, and on July 11, 2013, the Clerk of Court entered such default.

“It is within the discretion of the Court to enter a default judgment against a party who has failed to plead or defend.” *United States v. U.S. Currency in amount of \$13,000.00*, No. 12-00811-CV-C-NKL, 2012 WL 5422316 at *1 (W.D. Mo. Nov. 6, 2012). Prior to the entry of a default judgment, a court should satisfy itself that the plaintiff is entitled to judgment, by reviewing the sufficiency of the complaint and the substantive merits of the plaintiff’s claim. *Jenkins v. E. Asset Mgmt., LLC*, No. 4:08-CV-1032 CAS, 2009 WL 2488029 at *3 (E.D. Mo. Aug. 12, 2009). Here, after assuming that Plaintiffs’ allegations are true, the Court concludes that Plaintiff has demonstrated reasonable cause for seizure of the currency in question and that it is entitled to retain the \$69,910.00. Upon review of the record,

IT IS HEREBY ORDERED that all persons claiming any right, title or interest in the defendant property are held in default.

IT IS FURTHER ORDERED that the defendant property is hereby forfeited to the United States of America and may be disposed of according to law.

IT IS FURTHER ORDERED, FOUND AND CERTIFIED that, pursuant to 28 U.S.C. § 2465, reasonable cause existed for the seizure of the defendant property.

IT IS FURTHER ORDERED that Plaintiffs’ motion for default judgment against defendant property is **GRANTED**. (Doc. No. 5.)

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 16th day of July, 2013.