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 7 Counsel for the United States of America

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10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
)
 13 Plaintiff,)
)
 14 v.) 2:08-CV-1057-RLH (GWF)
)
 15 \$15,015.77 IN UNITED STATES CURRENCY,))
)
 16 Defendant.)

17 MOTION FOR DEFAULT JUDGMENT OF FORFEITURE

18 Pursuant to Fed. R. Civ. P. 55 and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5), the United
 19 States respectfully moves this Court for entry of a default judgment of forfeiture based on the
 20 following:

- 21 1. The United States filed a Verified Amended Complaint for Forfeiture in Rem on January
 22 29, 2010. Docket #11.¹ The Verified Amended Complaint (#11) alleges the defendant property:
- 23 a. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
 24 § 1956(a)(1), or is property traceable to such property, and is subject to
 25 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);

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¹The docket # will be to this case. Where the docket number cites to the criminal case,
 2:09-CR-28-RLH (GWF), CR will be in front of the document number.

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- b. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1956(a)(2), or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- c. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1957, or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- g. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(1) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,

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465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

i. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1955 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

j. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(2), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and

n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

1 2. On February 12, 2010, this Court entered an Amended Order for Amended Summons and
2 Warrant of Arrest in Rem for the Property and Amended Notice and issued the Amended Summons
3 and Warrant of Arrest in Rem for the Property. #12 and #13.

4 3. Pursuant to the Amended Order (#12), the Verified Amended Complaint (#11), the
5 Amended Order (#12), the Amended Summons and Warrant of Arrest in Rem for the Property (#13),
6 and the Amended Notice of Complaint for Forfeiture (#15, p. 3-4) were served on the defendant
7 property, and the Notice of Forfeiture Action was published according to law. #14. All persons
8 interested in the defendant property were required to file their claims with the Clerk of the Court no
9 later than 60 days after the first day of publication on the United States's official internet forfeiture
10 site, www.forfeiture.gov, or within 35 days of actual notice of this action, as applicable, followed by
11 the filing of an answer to the Amended Complaint within 21 days after the filing of their respective
12 claims. #11, #12, #13, #14, and #15, p. 3-4.

13 4. Public notice of the forfeiture action was given to all persons and entities on the official
14 government internet forfeiture site, www.forfeiture.gov, from February 13, 2010 through March 14,
15 2010. #14.

16 5. On March 9, 2010, the United States Customs and Border Protection served the Verified
17 Amended Complaint, the Amended Order, the Amended Summons and Warrant of Arrest in Rem for
18 the Property, and the Amended Notice by executing them on the defendant property. #15.

19 6. On March 19, 2010, the Notice of Filing Proof of Publication and Notice of Filing Service
20 of Process were filed. #14 and #15.

21 7. On February 18, 2009, this Court entered a Plea Memorandum as to Jeffrey Jelinsky in
22 the District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil
23 judicial forfeiture or the criminal forfeiture and waived service of process of any documents filed in
24 any action or any proceedings concerning the \$15,015.77 in United States Currency. This Court also
25 entered a Preliminary Order of Forfeiture as to Jeffrey Jelinsky forfeiting the \$15,015.77 in United
26 States Currency. CR #10 and CR #12.

1 8. On February 18, 2009, this Court entered a Plea Memorandum as to Michael Jelinsky in
2 District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial
3 forfeiture or the criminal forfeiture and waived service of process of any documents filed in any action
4 or any proceedings concerning the \$15,015.77 in United States Currency. This Court also entered
5 a Preliminary Order of Forfeiture as to Michael Jelinsky forfeiting the \$15,015.77 in United States
6 Currency. CR #11 and CR #13.

7 9. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
8 Stipulation for Entry of Order of Forfeiture as to Barbara Jelinsky, and Order. #19.

9 10. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
10 Stipulation for Entry of Order of Forfeiture as to Leigh A. Jelinsky, and Order. #20.

11 11. On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
12 Stipulation for Entry of Order of Forfeiture as to Kristie Gulia, and Order. #21.

13 12. No other person or entity has filed a claim, answer, or responsive pleading within the
14 time permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4)(b) and (5).

15 13. On April 14, 2010, the United States filed a Request for Entry of Default, Declaration
16 in Support of Request for Entry of Default, and Proposed Default against the defendant property and
17 all persons or entities who claim an interest in the defendant property in the above-entitled action.
18 #22.

19 14. On April 16, 2010, the Clerk of the Court entered a Default against the defendant
20 property and all persons or entities who claim an interest in the defendant property in the above-
21 entitled action. #23.

22 15. The allegations of the Complaint are sustained by the evidence and should be adopted
23 as findings of fact. The Court should conclude as a matter of law that the United States is entitled to
24 the relief requested in the Complaint.

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16. The United States requests that a default judgment of forfeiture be entered against the defendant property and all persons or entities who claim an interest in the defendant property in the above-entitled action. A proposed Default Judgment of Forfeiture is submitted herewith.

17. The United States further requests this Court certify, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure or arrest of the defendant property.

Respectfully submitted this 29th day of April, 2010.

DANIEL G. BOGDEN
United States Attorney

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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7 Counsel for the United States of America

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.) 2:08-CV-1057-RLH (GWF)
15 \$15,015.77 IN UNITED STATES)
16 CURRENCY,)
17 Defendant.)

DEFAULT JUDGMENT OF FORFEITURE

18 1. The United States filed a Verified Amended Complaint for Forfeiture in Rem on January
19 29, 2010. Docket #11.¹ The Verified Amended Complaint (#11) alleges the defendant property:
20 a. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
21 § 1956(a)(1), or is property traceable to such property, and is subject to
22 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
23 b. is involved in a transaction or attempted transaction in violations of 18 U.S.C.
24 § 1956(a)(2), or is property traceable to such property, and is subject to
25 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);

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- c. is involved in a transaction or attempted transaction in violations of 18 U.S.C. § 1957, or is property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
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- h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

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- l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and
- n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

It appearing that process was fully issued in this action and returned according to law;

...
...

1 On February 12, 2010, this Court entered an Amended Order for Amended Summons and
2 Warrant of Arrest in Rem for the Property and Amended Notice and issued the Amended Summons
3 and Warrant of Arrest in Rem for the Property. #12 and #13.

4 Pursuant to the Amended Order (#12), the Verified Amended Complaint (#11), the Amended
5 Order (#12), the Amended Summons and Warrant of Arrest in Rem for the Property (#13), and the
6 Amended Notice of Complaint for Forfeiture (#15, p.3-4) were served on the defendant property, and
7 the Amended Notice of Complaint for Forfeiture was published according to law. #14. All persons
8 interested in the defendant property were required to file their claims with the Clerk of the Court no
9 later than 60 days after the first day of publication on the United States's official internet forfeiture
10 site, www.forfeiture.gov, or within 35 days of actual notice of this action, as applicable, followed by
11 the filing of an answer to the Complaint within 21 days after the filing of their respective claims. #11,
12 #12, #13, #14, and #15, p. 3-4.

13 Public notice of the forfeiture action was given to all persons and entities on the official
14 government internet forfeiture site, www.forfeiture.gov, from February 13, 2010 through March 14,
15 2010. #14.

16 On March 9, 2010, the United States Customs and Border Protection served the Amended
17 Complaint, the Amended Order, the Amended Summons and Warrant of Arrest in Rem for the
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22 District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial
23 forfeiture or the criminal forfeiture and waived service of process of any documents filed in any action
24 or any proceedings concerning the \$15,015.77 in United States Currency. This Court also entered
25 a Preliminary Order of Forfeiture as to Jeffrey Jelinsky forfeiting the \$15,015.77 in United States
26 Currency. CR #10 and CR #12.

1 On February 18, 2009, this Court entered a Plea Memorandum as to Michael Jelinsky in
2 District of Nevada Criminal Court Case 2:09-CR-28-RLH (GWF) where he agreed to the civil judicial
3 forfeiture or the criminal forfeiture and waived service of process of any documents filed in any action
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5 Preliminary Order of Forfeiture as to Michael Jelinsky forfeiting the \$15,015.77 in United States
6 Currency. CR #11 and CR #13.

7 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
8 Stipulation for Entry of Order of Forfeiture as to Barbara Jelinsky, and Order. #19.

9 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
10 Stipulation for Entry of Order of Forfeiture as to Leigh A. Jelinsky, and Order. #20.

11 On March 31, 2010, this Court entered an Order Granting the Settlement Agreement,
12 Stipulation for Entry of Order of Forfeiture as to Kristie Gulia, and Order. #21.

13 No person or entity has filed a claim, answer, or responsive pleading within the time
14 permitted by 18 U.S.C. § 983(a)(4), Fed. R. Civ. P. Supp. Rule C(6), and Fed. R. Civ. P. Supp. Rule
15 G(4)(b) and (5).

16 On April 14, 2010, the United States filed a Request for Entry of Default, Declaration in
17 Support of Request for Entry of Default, and Proposed Default against the defendant property and all
18 persons or entities who claim an interest in the defendant property in the above-entitled action. #22.

19 On April 16, 2010, the Clerk of the Court entered a Default against the defendant property
20 and all persons or entities who claim an interest in the defendant property in the above-entitled action.
21 #23.

22 The allegations of the Complaint are sustained by the evidence and are adopted as findings
23 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
24 in the Complaint.

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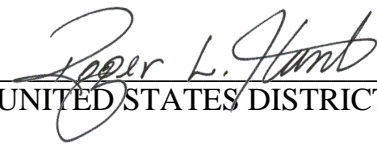
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NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Default Judgment of Forfeiture be entered against the defendant property and all persons or entities who claim an interest in the defendant property in the above-entitled action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the same is hereby forfeited to the United States of America, and no right, title, or interest in the property shall exist in any other party.

IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable cause for the seizure or arrest of the defendant property.


UNITED STATES DISTRICT JUDGE

DATED: April 30, 2010