

1 DANIEL G. BOGDEN
 United States Attorney
 Nevada Bar No. 2137
 2 MICHAEL A. HUMPHREYS
 Assistant United States Attorney
 Lloyd D. George United States Courthouse
 3 333 Las Vegas Boulevard South, Suite 5000
 4 Las Vegas, Nevada 89101
 5 Counsel for the United States of America

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 7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,)
)
 9 Plaintiff,)
)
 10 v.) 2:10-CV-1667-GMN (PAL)
)
 11 \$38,300.00 IN UNITED STATES CURRENCY)
)
 12 Defendant.)

13 **DEFAULT JUDGMENT OF FORFEITURE**

14 The United States filed a verified Complaint for Forfeiture *in Rem* on September 27, 2010,
 15 (Docket #1) and a verified Amended Complaint for Forfeiture *in Rem* on September 29, 2010. (#3).

16 The Amended Complaint (#3) alleges the defendant property:

- 17 a. was furnished or was intended to be furnished in exchange for controlled
- 18 substances in violation of Title II of the Controlled Substances Act, 21 U.S.C.
- 19 § 801 et seq., and is subject to forfeiture to the United States pursuant to 21
- 20 U.S.C. § 881 (a)(6);
- 21 b. is proceeds traceable to exchanges of controlled substances in violation of
- 22 Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is
- 23 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6); and
- 24 c. was used or was intended to be used to facilitate violations of Title II of the
- 25 Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture
- 26 to the United States pursuant to 21 U.S.C. § 881(a)(6).

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

2 On February 4, 2011, the Court entered an Order for Summons and Warrant of Arrest *in Rem*
3 for the Property and Notice and issued the Summons and Warrant of Arrest *in Rem*. #4, #5.

4 Pursuant to the Order (#4), the Complaint (#1), the Summons and Warrant (#5), and the
5 Notice of Complaint for Forfeiture were served on the defendant property, and the Notice was
6 published according to law (#6). All persons interested in the defendant property were required to
7 file their claims with the Clerk of the Court within 30 days of the publication of the Notice or within
8 35 days of actual notice of this action, as applicable, followed by the filing of an answer to the
9 Complaint within 21 days after the filing of their respective claims. #1, #4, #5, #6.

10 Public notice of the forfeiture action and arrest was given to all persons and entities by
11 publication on the official government website www.forfeiture.gov from February 9, 2011, through
12 to March 10, 2011. #6, p. 2-4.

13 Service of Process was effected upon the defendant and potential claimants in obedience of
14 the Order for Summons and Warrant of Arrest *in Rem* for the Property and Notice. #7.

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Date Served	Name of potential claimant	How served	Form	By whom
12/9/2010	Erica Lozoya	Mail /reg and certified	22.48	CI / IRS agency
12/9/2010	Abel Solorio-Romero	Mail /reg and certified	22.48	CI / IRS agency
12/9/2010	Llasmín Lozoya-Mendoza	Mail /reg and certified	22.48	CI / IRS agency
12/10/2010	Llasmín Lozoya-Mendoza	upon her attorney, Gowdy	22.48	CI / IRS agency
12/11/2010	Llasmín Lozoya-Mendoza	at 1824 Decatur #23 LV, NV	22.48	CI / IRS agency
12/13/2011	Llasmín Lozoya-Mendoza	at place of incarceration	22.48	CI / IRS agency
12/9/2011	Melba Lozoya-Mendoza	Mail /reg and certified	22.48	CI / IRS agency
12/9/2011		upon her attorney, Teich	22.48	CI / IRS agency
12/9/2011		at 1824 Decatur #23, LV, NV	22.48	CI / IRS agency
12/9/2011		at 1390 Market St, SF, CA	22.48	CI / IRS agency
12/13/2011		at place of incarceration	22.48	CI / IRS agency
12/9/2011	\$38,300.00	Funds on deposit with federal suspense account.	22.48	CI / IRS agency

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23 On January 5, 2011, the Notice of Filing Proof of Publication was filed. #6.

24 No other person or entity has filed a claim, answer, or responsive pleading within the time
25 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).
26

1 On September 22, 2011, the United States filed a Request for Entry of Default against the
2 defendant property and all persons or entities who claim an interest in the defendant property in
3 the above-entitled action. #8.

4 On September 23, 2011, the Clerk of the Court entered a Default against the defendant
5 property and all persons or entities who claim an interest in the defendant property in the above-
6 entitled action. #9.

7 Neither Melba Lozoya-Mendoza or Llasmin Lozoya-Mendoza are in the military service
8 within the purview of the Servicemembers Civil Relief Act. See Exhibit 1 and Exhibit 2 to the
9 Declaration in Support of Entry of Default. #8.


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

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

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

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

21 **DATED** this 27th day of October, 2011.

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25 Gloria M. Navarro
26 United States District Judge