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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
)
 11 Plaintiff,)
)
 12 v.) 2:12-CV-1684-JAD-(GWF)
)
 13 \$27,580.00 IN UNITED STATES)
 CURRENCY,)
 14)
 Defendant.)

15 **DEFAULT JUDGMENT OF FORFEITURE AS TO \$27,580.00 IN UNITED STATES**
 16 **CURRENCY, DONALD RUTH, DERRICK JACKSON, KATHY WILLIAMS, RAY**
 17 **MERCADEL, AND ALL PERSONS OR ENTITIES WHO CLAIM AN INTEREST IN THE**
 18 **DEFENDANT PROPERTY IN THE ABOVE-ENTITLED ACTION**
AND
 19 **FINAL JUDGMENT OF FORFEITURE AS TO TROY MERCADEL**

19 The United States filed a verified Complaint for Forfeiture in Rem (ECF No. 1) on
 20 September 25, 2012. The Complaint (ECF No. 1) alleges the defendant property:

- 21 a. was furnished or was intended to be furnished in exchange for controlled
- 22 substances in violation of Title II of the Controlled Substances Act, 21 U.S.C.
- 23 § 801 *et seq.*, and is subject to forfeiture to the United States pursuant to 21
- 24 U.S.C. § 881(a)(6);

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1 b. is proceeds traceable to exchanges of controlled substances in violation of
2 Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is
3 subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6);
4 and

5 c. was used or was intended to be used to facilitate violations of Title II of the
6 Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is subject to forfeiture
7 to the United States pursuant to 21 U.S.C. § 881(a)(6).

8 Public notice of the forfeiture action and arrest was given to all persons and entities by
9 publication on the official government website www.forfeiture.gov from October 22, 2012, through
10 November 20, 2012. Notice of Filing Proof of Publication, ECF No. 5.

11 On October 16, 2012, the Court entered an Order for Summons and Warrant of Arrest in
12 Rem for the Property and Notice (ECF No. 3) and issued the Summons and Warrant of Arrest in
13 Rem for the Property (ECF No. 4).

14 Pursuant to the Order (ECF No. 3), the Complaint (ECF No. 1), the Order (ECF No. 3), the
15 Summons and Warrant (ECF No. 4), and the Notice of Complaint for Forfeiture (ECF No. 14, p. 4-5,
16 17-18, 31-32, 45-46, 75and ECF No. 14-1, p. 1, 30-31) were served on the defendant property and
17 all persons claiming an interest in the defendant property. All persons interested in the defendant
18 property were required to file their claims with the Clerk of the Court no later than 35 days after the
19 notice of this action was sent by mail, followed by the filing of an answer to the Complaint within 21
20 days after the filing of their respective claims. Complaint, ECF No 1; Order for Summons and
21 Warrant of Arrest in Rem for the Property and Notice, ECF No. 3; Summons and Warrant Issued by
22 the Clerk, ECF No. 4; Notice of Filing Service of Process, ECF Nos. 14 and 14-1).

23 On January 2, 2013, the United States Marshals Service served the Complaint, the Order, the
24 Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on the
25 defendant property. Notice of Filing Service of Process, ECF No. 14, p. 3-15.

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1 On March 14, 2013, the United States Marshals Service served the Complaint, the Order, the
2 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Troy Mercadel by
3 personal service. Notice of Filing Service of Process, ECF No. 14, p. 16-29.

4 On January 11, 2013, the United States Marshals Service served the Complaint, the Order,
5 the Summons and Warrant of Arrest in Rem for the Property, and the Notice on Troy Mercadel, by
6 and through his counsel Shawn Perez, by personal service. Notice of Filing Service of Process, ECF
7 No. 14, p. 30-42.

8 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
9 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Donald Ruth by regular
10 mail. Notice of Filing Service of Process, ECF No. 14, p. 43-72.

11 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
12 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Derrick Jackson by
13 regular mail. Notice of Filing Service of Process, ECF No. 14, p. 73-75 and ECF No. 14-1, p. 1-27.

14 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
15 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Kathy Jackson by
16 regular mail. Notice of Filing Service of Process, ECF No. 14-1, p. 28-57.

17 On January 8, 2013, the United States Marshals Service attempted to personally serve the
18 Complaint, the Order, the Summons and Warrant of Arrest in Rem for the Property, and the Notice
19 on Ray Mercadel, but found he did not live at the address provided. Further research was conducted
20 by United States Postal Inspector James Gursky regarding Ray Mercadel. It was Postal Inspector
21 Gursky's conclusion, based upon his research, knowledge, and experience, that Ray Mercadel was a
22 fictitious name created by Troy Mercadel to avoid detection by law enforcement when mailing a
23 package. Notice of Filing Service of Process, ECF No. 14-1, p. 58-72.

24 On January 29, 2013, a Notice of Claim was filed with the Court by Troy Mercadel. Notice
25 of Claim, ECF No. 9.

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1 On January 29, 2013, an Answer to Complaint for Forfeiture and Demand for Jury Trial was
2 filed by Troy Mercadel. Answer to Complaint for Forfeiture and Demand for Jury Trial, ECF No. 7.

3 On October 28, 2013, a proposed Settlement Agreement, Stipulation for Entry of Judgment
4 of Forfeiture as to \$27,580.00 in United States Currency and Troy Mercadel, and Order was filed
5 with the Court. Settlement Agreement, Stipulation for Entry of Judgment of Forfeiture as to
6 \$27,580.00 in United States Currency and Troy Mercadel, and Order, ECF No. 20.

7 On December 30, 2013, the Court entered an Order granting the Settlement Agreement,
8 Stipulation for Entry of Judgment of Forfeiture as to \$27,580.00 in United States Currency and Troy
9 Mercadel. Order, ECF No. 21.

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

12 Donald Ruth is not in the military service within the purview of the Servicemembers Civil
13 Relief Act.

14 Derrick Jackson is not in the military service within the purview of the Servicemembers Civil
15 Relief Act.

16 Kathy Williams is not in the military service within the purview of the Servicemembers Civil
17 Relief Act.

18 On January 28, 2014, the United States filed a Request for Entry of Default against the
19 defendant property and all persons or entities who claim an interest in the defendant property in the
20 above-entitled action. Request for Entry of Default, ECF No. 22.

21 On February 18, 2014, the Clerk of the Court entered a Default against the defendant
22 property and all persons or entities who claim an interest in the defendant property in the above-
23 entitled action. Default, ECF No. 25.

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


1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
2 Default Judgment of Forfeiture is entered against: (1) \$27,580.00 in United States Currency; (2)
3 Donald Ruth; (3) Derrick Jackson; (4) Kathy Williams, (5) Ray Mercadel; and (6) all persons or
4 entities who claim an interest in the defendant property in the above-entitled action except Troy
5 Mercadel.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
7 same is hereby forfeited to the United States of America, and no right, title, or interest in the
8 property shall exist in any other party, other than Troy Mercadel, whose rights and liabilities are
9 adjudged below.

10 IT IS FURTHER ORDERED, ADJUDED AND DECREED, that, the property having been
11 forfeited, within a practicable time hereafter for the United States, the United States must release to
12 Troy Mercadel, through Shawn R. Perez, Esq., one payment of \$5,516.00 in United States Currency,
13 less any debt owed the United States, any agency of the United States, or any debt in which the
14 United States is authorized to collect.

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

17 Dated: May 14, 2014.

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20 UNITED STATES DISTRICT JUDGE
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