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 7 Counsel for Plaintiff

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

13 UNITED STATES OF AMERICA, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. ) 2:13-CV-462-JCM-(GWF)  
 )  
 16 \$168,702.91 IN UNITED STATES )  
 CURRENCY, )  
 17 )  
 Defendant. )

18

19 **MOTION FOR DEFAULT JUDGMENT OF FORFEITURE**

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

22 1. The United States filed a verified Amended Complaint for Forfeiture in Rem on November  
 23 18, 2013. Amended Complaint, ECF No. 5. The Complaint (ECF No. 5) alleges the defendant  
 24 property:

25 ...  
 26 ...

- 1 a. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such  
2 violations, or is traceable to any such violations or a conspiracy, and is subject  
3 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and  
4 b. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such  
5 violations, or is traceable to any such violations or a conspiracy, and is subject  
6 to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

7 2. On November 21, 2013, the Court entered an Order for Summons and Warrant of Arrest in  
8 Rem for the Property and Notice (ECF No. 7) and issued the Summons and Warrant of Arrest in Rem  
9 for the Property (ECF No. 8).

10 3. Pursuant to the Order (ECF No. 7), the Amended Complaint (ECF No. 5), the Order (ECF  
11 No. 7), the Summons and Warrant (ECF No. 8), and the Notice of Complaint for Forfeiture (ECF No.  
12 9, p. 3-4) were served on the defendant property and all persons claiming an interest in the defendant  
13 property. All persons interested in the defendant property were required to file their claims with the  
14 Clerk of the Court no later than 35 days after the notice of this action was sent by mail, followed by  
15 the filing of an answer to the Amended Complaint within 21 days after the filing of their respective  
16 claims. Amended Complaint, ECF No. 5; Order for Summons and Warrant, ECF No. 7; Summons and  
17 Warrant, ECF No. 8; Notice of Complaint, ECF No. 9, p. 3-4.

18 4. On December 5, 2013, the United States Marshals Service served the Complaint, the  
19 Summons and Warrant of Arrest in Rem for the Property, the Order, and the Notice by executing them  
20 on the defendant property. Notice of Filing Service of Process, ECF No. 9.

21 5. Public notice of the forfeiture action and arrest was given to all persons and entities by  
22 publication on the official government website [www.forfeiture.gov](http://www.forfeiture.gov) from November 23, 2013, through  
23 December 22, 2013. Notice of Filing Proof of Publication, ECF No. 10.

24 6. On January 22, 2014, the United States filed a Settlement Agreement for Entry of  
25 Judgment of Forfeiture as to Matthew Taylor, and Order (ECF No. 11), regarding the \$168,702.91 in  
26 United States Currency. Claimant waived, among other things, service of process.

1 7. On January 24, 2014, the Court entered the Order granting the Settlement Agreement for  
2 Entry of Judgment of Forfeiture as to Matthew Taylor, and Order (ECF No. 12).

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

5 9. On January 24, 2014, the United States filed a Motion for Entry of Clerk’s Default against  
6 the defendant property and all persons or entities who claim an interest in the defendant property in the  
7 above-entitled action. Motion for Entry of Clerk’s Default, ECF No. 13.

8 10. On January 27, 2014, the Clerk of the Court entered a Default against the defendant  
9 property and all persons or entities who claim an interest in the defendant property in the above-  
10 entitled action. Clerk’s Entry of Default, ECF No. 14.

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

14 12. The United States requests that a default judgment of forfeiture be entered against the  
15 \$168,702.91 in United States Currency and all other persons and entities having an interest in the  
16 defendant property in the above-entitled action except Matthew Taylor. A proposed Default Judgment  
17 of Forfeiture is submitted herewith.

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

20 Respectfully submitted this 28th day of January, 2014.

21  
22 /s/Daniel D. Hollingsworth  
23 DANIEL D. HOLLINGSWORTH  
24 Assistant United States Attorney  
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15 v. ) 2:13-CV-462-JCM-(GWF)  
16 \$168,702.91 IN UNITED STATES )  
17 CURRENCY, )  
18 Defendant. )

18 **DEFAULT JUDGMENT OF FORFEITURE AS TO \$168,702.91 IN UNITED STATES**  
19 **CURRENCY AND ALL PERSONS OR ENTITIES WHO CLAIM AN INTEREST IN THE**  
20 **DEFENDANT PROPERTY IN THE ABOVE-ENTITLED ACTION**  
21 **AND**  
22 **FINAL JUDGMENT OF FORFEITURE AS TO MATTHEW TAYLOR**

21 The United States filed a verified Amended Complaint for Forfeiture in Rem on November  
22 18, 2013. Amended Complaint, ECF No. 5. The Amended Complaint (ECF No. 5) alleges the  
23 defendant property:

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

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

4           On November 21, 2013, the Court entered an Order for Summons and Warrant of Arrest in  
5 Rem for the Property and Notice (ECF No. 7) and issued the Summons and Warrant of Arrest in Rem  
6 for the Property (ECF No. 8).

7           Pursuant to the Order (ECF No. 7), the Amended Complaint (ECF No. 5), the Order (ECF No.  
8 7), the Summons and Warrant (ECF No. 8), and the Notice of Complaint for Forfeiture (ECF No. 9, p.  
9 3-4) were served on the defendant property and all persons claiming an interest in the defendant  
10 property. All persons interested in the defendant property were required to file their claims with the  
11 Clerk of the Court no later than 35 days after the notice of this action was sent by mail, followed by  
12 the filing of an answer to the Amended Complaint within 21 days after the filing of their respective  
13 claims. Amended Complaint, ECF No. 5; Order for Summons and Warrant, ECF No. 7; Summons and  
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19 publication on the official government website [www.forfeiture.gov](http://www.forfeiture.gov) from November 23, 2013, through  
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21           On January 22, 2014, the United States filed a Settlement Agreement for Entry of Judgment of  
22 Forfeiture as to Matthew Taylor, and Order (ECF No. 11), regarding the \$168,702.91 in United States  
23 Currency. Claimant waived, among other things, service of process.

24           On January 24, 2014, the Court entered the Order granting the Settlement Agreement for  
25 Entry of Judgment of Forfeiture as to Matthew Taylor, and Order (ECF No. 12).

26 . . .

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

3 On January 24, 2014, the United States filed a Motion for Entry of Clerk's Default against the  
4 defendant property and all persons or entities who claim an interest in the defendant property in the  
5 above-entitled action. Motion for Entry of Clerk's Default, ECF No. 13.

6 On January 27, 2014, the Clerk of the Court entered a Default against the defendant property  
7 and all persons or entities who claim an interest in the defendant property in the above-entitled action.  
8 Clerk's Entry of Default, ECF No. 14.

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

12 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
13 Default Judgment of Forfeiture be entered against the \$168,702.91 in United States Currency and all  
14 other persons and entities having an interest in the defendant property in the above-entitled action  
15 except Matthew Taylor.


16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the  
17 same is hereby forfeited to the United States of America, and no right, title, or interest in the property  
18 shall exist in any other party, other than Matthew Taylor, whose rights and liabilities are adjudged  
19 below.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that, the property having been  
21 forfeited, within a practicable time hereafter for the United States, the United States must release to  
22 Matthew Taylor, through Shawn R. Perez, Esq., one payment of \$128,702.91 in United States  
23 Currency, less any debt owed the United States, any agency of the United States, or any debt in which  
24 the United States is authorized to collect.

25 ...

26 ...

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

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4   
UNITED STATES DISTRICT JUDGE

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6 DATED: January 28, 2014

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