

2016V01704/PWG/ms
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$68,490 IN UNITED STATES CURRENCY,

Defendants *in rem*.

Hon. Kevin McNulty, U.S.D.J.

Civil Action No. 16-3920 (KM)

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

WHEREAS, on June 30, 2016, a Verified Complaint for Forfeiture *in Rem* was filed in the United States District Court for the District of New Jersey against \$68,490 in United States currency (the “defendant property”), pursuant to 21 U.S.C. § 881(a)(6), as monies furnished or intended to be furnished in exchange for a controlled substance or as proceeds traceable to such an exchange in violation of 21 U.S.C. § 801 *et seq.*; and

WHEREAS, pursuant to the Warrant for Arrest *in Rem* issued by the Clerk of the Court on June 30, 2016, the United States obtained *in rem* jurisdiction over the defendant property; and

WHEREAS, on or about July 7, 2016, the Verified Complaint for Forfeiture and a Notice of Complaint for Forfeiture were sent via Certified Mail to Mr. Alan Gerson, Esq., Counsel for Potential Claimant Nayquan T. Johnson, 445 Central Avenue, Suite 208, Cedarhurst, New York 11516. (See Declaration of Peter W. Gaeta with Exhibits filed herein, hereinafter "Gaeta Decl." at Exhibit A); and

WHEREAS, on or about July 9, 2016, the Verified Complaint for Forfeiture and a Notice of Complaint for Forfeiture were delivered via Certified Mail to Mr. Alan Gerson, Esq., Counsel for Potential Claimant Nayquan T. Johnson, 445 Central Avenue, Suite 208, Cedarhurst, New York 11516. (*Id.*); and

WHEREAS, on or about August 10, 2016, a Verified Claim to the defendant property was filed by Nayquan Johnson. (ECF Doc. 4.); and

WHEREAS, on or about August 31, 2016, a Verified Answer to the Verified Complaint was filed by Nayquan Johnson. (ECF Doc. 6.); and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, notice of this civil forfeiture action was posted on an official internet government forfeiture website, namely www.forfeiture.gov, for at least 30 consecutive days, beginning on July 6, 2016, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property. (See Gaeta Decl., Exhibit B.); and

WHEREAS, on November 14, 2018, United States Magistrate Judge Michael A. Hammer issued a Report and Recommendation that the District Court dismiss claimant's claim with prejudice due to claimant failing to participate in discovery nor appearing for scheduled conferences with the Court, pursuant to Federal Rules of Civil Procedure 16(f) and 37. (ECF No. 19.); and

WHEREAS, March 25, 2019, United States District Judge Kevin McNulty adopted Judge Hammer's Report and Recommendation. (ECF No. 20.); and

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED:

1. That a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$68,490 in United States currency; the defendant property is hereby forfeited to the United States of America according to law; and no right, title or interest in the defendant property shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any interest and income thereon, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshals Service into the Department of Justice Assets Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 16th day of May, 2019.


HONORABLE KEVIN McNULTY
United States District Judge