

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 :  
 UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, :  
 :  
 -v- :  
 :  
 \$56,560.00 IN UNITED STATES CURRENCY, :  
 Defendant-in-rem. :  
 :  
 -----X

13 Civ. 6175 (JPO)  
OPINION AND ORDER

J. PAUL OETKEN, District Judge:

This action seeks civil forfeiture of \$56,560.00 under the Civil Asset Forfeiture Reform Act, 21 U.S.C. § 881. The government commenced this action by filing a verified complaint on September 3, 2013. The complaint states detailed facts that are sufficient to support a reasonable belief that the government would be able to satisfy its burden of proof at trial.<sup>1</sup> The same day this action was filed, the government sent all known potential claimants notices stating that they may have an interest in this action and explaining the procedure for contesting the forfeiture.

These notices were sent by certified mail, return receipt requested, to:

- a. Peter Verby, Esq.  
305 Broadway, Suite 804  
New York, New York 10007
- b. Peter Verby, Esq.  
236 West 30th Street #5  
New York, New York 10001
- c. Nelson R. Cabrera  
139 East 45th Street  
New York, New York 10017

<sup>1</sup> Cf. *United States v. One White Crystal Covered Bad Tour Glove & Other Michael Jackson Memorabilia*, 2012 WL 8455336 (C.D. Cal. Apr. 12, 2012) (dismissing complaint for failure to allege sufficiently detailed facts).

- d. Nelson R. Cabrera  
6135 98th Street, Apartment 2J  
Rego Park, New York 11374
- e. Nelson R. Cabrera  
325 S. Biscayne Blvd., Apt. 4215  
Miami, Florida 33131
- f. Orly Mamann  
6135 98th Street, Apartment 2J  
Rego Park, New York 11374

And on January 17, 2014, the same notices were sent to:

- g. Zaki Isaac Tamir  
Shapiro Tamir Law Group PLLC  
30 Broad Street, 14th Floor  
New York, New York 10004
- h. Nelson R. Cabrera  
6135 98th Street, Apartment 2J  
Rego Park, New York 11374

Furthermore, beginning September 6, 2013, the government posted notice of this action and the procedure for contesting the forfeiture on [www.forfeiture.gov](http://www.forfeiture.gov) for thirty consecutive days. No party has come forward to contest the forfeiture. The government now moves for default judgment. The motion is granted.<sup>2</sup>

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<sup>2</sup> Cf. *United States v. 1903 Obscene Magazines*, 907 F.2d 1338 (2d Cir. 1990) (affirming entry of forfeiture order); also cf. *United States v. One Reel of 35mm Color Motion Picture Film Entitled "Sinderella"*, 491 F.2d 956 (2d Cir. 1973); *United States v. One Tyrannosaurus Bataar Skeleton*, 2012 WL 5834899 (S.D.N.Y. Nov. 14, 2012); *United States v. Eight Thousand Eight Hundred Pounds of Powdered Egg White*, 2007 WL 2955571 (E.D. Miss. Oct. 5, 2007); *United States v. One Glock 19*, 2007 WL 2438361 (N.D. Cal. Aug. 23, 2007); *United States v. Three Cartons of Metal Racks*, No. 86 Civ. 4193 (E.D.N.Y. Mar. 25, 1987); *United States v. Approximately 2,475,840 Pounds of Clean, Unroasted Coffee Beans*, 608 F. Supp. 288 (D.P.R. 1985); *United States v. One Liberian Refrigerator Vessel*, 447 F. Supp. 1053 (M.D. Fla. 1977); *United States v. Four Pinball Machines & One Remote Control Device*, 429 F. Supp. 1002 (D. Haw. 1977); *United States v. An Article Consisting of Fifty Thousand Cardboard Boxes of Clacker Balls*, 413 F. Supp. 1281 (E.D. Wis. 1976); *United States v. Eleven and One-Quarter Dozen Packages of Article Labeled in Part Mrs. Moffat's Shoo Fly Powders for Drunkenness*, 40 F. Supp. 208 (W.D.N.Y. 1941). But cf. *United States v. Approximately 64,695 Pounds of Shark Fins*, 520 F.3d 976 (9th Cir. 2008); *United States v. One Household Finance Check*, 769 F. Supp. 69 (D. Conn. 1991); *United States v. 2,116 Boxes of Boned Beef Weighing Approximately 154,121 Pounds*, 516 F.Supp 321 (D. Kan. 1981); *United States v. Undetermined Quantities of Depressant or Stimulant Drugs*, 282 F. Supp. 543 (S.D. Fla. 1968); *United States v. One Obscene Book Entitled "Married Love"*, 48 F.2d 821 (S.D.N.Y. 1931); *United States v. Forty-Eight Hundred Gallons of Spirits*, 25 F. Cas. 1192 (E.D.N.Y. 1871).

It is hereby ORDERED that judgment by default be entered against the Defendant in rem. The Defendant in rem is forfeited to the United States of America. The Clerk of Court is directed to close this action without costs or fees to any party.

SO ORDERED.

Dated: New York, New York  
April 3, 2014



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J. PAUL OETKEN  
United States District Judge