

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

-v.-

\$57,162.00 IN UNITED STATES CURRENCY,

Defendant-*in-rem*.
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19 Civ. 7323 (AJN)

ORDER

WHEREAS, on or about August 6, 2019, the United States commenced an *in rem* forfeiture action seeking the forfeiture of \$57,162 in United States currency (the “Defendant Currency” or “Defendant-*in-rem*”), by the filing of a Verified Complaint for Forfeiture (the “Verified Complaint”). The Verified Complaint alleged that the Defendant Currency is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6) as money furnished or intended to be furnished in exchange for a controlled substance or intended to be used to facilitate any federal narcotics violation.

WHEREAS, following the filing of the Verified Complaint, notice of the Verified Complaint against the Defendant Currency was posted on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, beginning on August 14, 2019, through September 12, 2019, and proof of such publication was filed with the Clerk of this Court (D.E. 4).

WHEREAS, on or about October 9, 2019, the Drug Enforcement Agency (“DEA”) received an administrative claim from a Jeremy Rosario (“Rosario”) asserting an interest in the Defendant Currency (the “Claim”).

WHEREAS, on October 30, 2019, the Court entered a Judgment of Forfeiture with respect to the Defendant Currency (the “Judgment of Forfeiture”)(D.E. 7);

WHEREAS, the Government failed to send direct notice to Rosario prior to the entry of the Judgment of Forfeiture;

WHEREAS, on or about November 15, 2019, the Government sent direct notice of the Verified Complaint by Federal Express to: Jeremy Rosario, Bakersfield, California 93311;

WHEREAS, on or about November 26, 2019, the Government filed a motion pursuant to Federal Rule of Civil Procedure Rule 60(b) to allow Rosario to file a claim of interest with respect to the Defendant Currency on or before December 20, 2019 notwithstanding the Judgment of Forfeiture (the “Motion”) (D.E. 8).

WHEREAS, on or about January 2, 2021, the Government received an email from Rosario asserting a purported interest in the Defendant Currency (the “Purported Claim”);

WHEREAS, on January 2, 2020, the Government submitted a letter to the Court advising that in the event that the Motion was granted and the Court accepted the Purported Claim for filing in this action, the Government intended to move to dismiss the Purported Claim as deficient as it was not filed with the Court prior to the claim deadline and that it was not signed under the penalty of perjury (D.E. 11);

WHEREAS, on or about September 29, 2020, the Court granted the Motion to permit Rosario to file a claim notwithstanding the Judgment of Forfeiture pursuant to Rule 60(b) and required Rosario to file a corrected claim within thirty-five (35) days of the service the order (the “Order”)(D.E. 18);

WHEREAS, on or about October 21, 2020, the Government filed a certificate of service indicating the Government served a copy of the Order on Rosario as required by the Order (D.E. 19);

WHEREAS, thirty-five (35) days have expired since the service of the Order on Rosario;

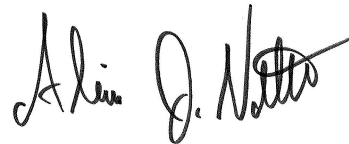
WHEREAS, Rosario has not filed a claim as set forth in the Order and the time to do so has expired;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Judgment of Forfeiture entered on October 30, 2019 is now final as to potential claimant, Jeremy Rosario.

Dated: New York, New York
June 4, 2021

SO ORDERED:

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

THE HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE