

FILED
CHARLOTTE, NC

FEB 22 2019

US DISTRICT COURT
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CASE NO. 3:17CV709

United States of America

v.

Approximately \$15,100 in funds seized during
the execution of a search warrant at 8820
Broomsage Lane, Apartment J, Charlotte,
North Carolina, 28217.

**CONSENT ORDER FOR
THIRD PARTY CLAIM**

THIS MATTER is before the Court by consent of the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina and Claimant Gerardo Rios-Ruiz ("Claimant"), through counsel, pursuant to 18 U.S.C. § 983(d) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Government and Claimant have consented to this Consent Order for Third Party Claim as a final adjudication and settlement of all matters in regard to the property identified for forfeiture in this case (hereafter, "the Property").

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS**

FOLLOWS:

1. The Government has alleged in the Complaint for Forfeiture *In Rem* (Doc. 1) that the Property, consisting of approximately \$15,100 in seized currency, is proceeds of drug trafficking and/or was used or intended to be used to facilitate drug trafficking. Claimant, from whom the Property was seized, contends in his Verified Claim (Doc. 5) that the Property constitutes income from lawful employment. Following discussions about the case, the parties

have agreed to stipulate that \$3,775 of the Property shall be returned to Claimant and that Claimant shall consent to the forfeiture of and withdraw his Claim to \$11,325 of the Property.

2. Claimant agrees to the forfeiture of the \$11,325 and the Government, in turn, agrees to, upon issuance of this Consent Order and of a default or other final judgment as to any other potential interests in the Property, turn over \$3,775 to Claimant, through his counsel.

3. By entering into this Consent Order, Claimant agrees to, upon receipt of the \$3,775, release and forever discharge his interest in all remaining Property in this case.

4. The payment to Claimant shall be in full settlement and satisfaction of all claims by Claimant in this action and all claims against the United States resulting from the incidents or circumstances giving rise to this action.

5. Claimant agrees not to pursue against the United States any rights that it may have to the Property in this case except as otherwise specified herein.

6. Claimant understands and agrees that the United States reserves the right to terminate the forfeiture action at any time.

7. The Government and Claimant waive any rights to further litigate between each other in this forfeiture action.

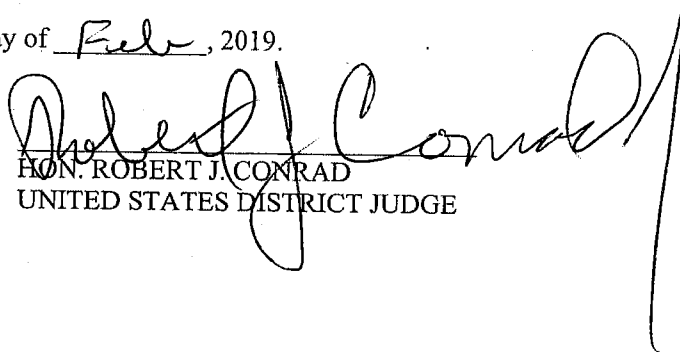
8. Unless specifically directed by an order of the Court, Claimant shall be excused and relieved from further participation in this action.

IT IS THEREFORE ORDERED THAT:

Based upon the stipulations of the parties herein, the Claim is granted to recognize that Claimant has an interest in \$3,775 of the Property. It is, therefore, ordered that, upon issuance of a final order or default judgment in this case, the United States shall pay \$3,775 out of any

finally forfeited Property in this case to Claimant. Further, pursuant to the stipulations herein, Claimant's Claim to any amounts above and beyond the \$3,775 is hereby stricken. Each party shall bear its own costs and fees, including attorney's fees.

Signed this 2/day of Feb, 2019.




HON. ROBERT J. CONRAD
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND
BY CONSENT OF THE PARTIES:

R. ANDREW MURRAY

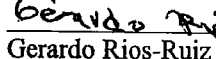
UNITED STATES ATTORNEY


Benjamin Bain-Creed
Assistant United States Attorney

Dated:

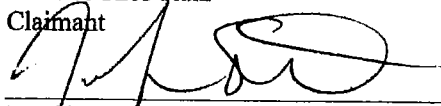
1/29/19

GERARDO RIOS-RUIZ


Gerardo Rios-Ruiz
Claimant

Dated:

1-28-2019


Jennifer Stevens, Esq.
Hall & Dixon, PLLC
Attorney for Claimant

Dated:

01/28/2019