

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,) CIVIL ACTION NO. 3:10-1252-JFA
)
 Plaintiff,)
)
 vs.)
)
 \$108,020 IN UNITED STATES)
 CURRENCY,)
)
 Defendant.)

ORDER FOR ENTRY OF DEFAULT JUDGMENT

This *in rem* forfeiture action was initiated through a Complaint filed on May 17, 2010. It concerns \$108,020 in United States currency ("Defendant Currency"), which was seized from Willie Garces and Byron Estrada on January 8, 2010, by the Sumter County Sheriff's Office. The seizure and forfeiture action were subsequently adopted by the Drug Enforcement Administration ("DEA").

The Complaint alleges that the Defendant Currency constitutes or is traceable to proceeds furnished or intended to be furnished in exchange for controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and 846, or was used or intended to be used to facilitate such offenses, and that the Defendant Currency is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

It appears that no person has filed or served a Claim, Answer, or other responsive pleading in this action. It further appears that copies of the Complaint and Notice of Judicial Forfeiture Action, among other documents, were served upon the only known potential claimants, who are Willie Garces, Byron Estrada, and Carolina Oviedo; that

neither Willie Garces, Byron Estrada, or Carolina Oviedo are serving in the armed forces of the United States, and that none are infants or incompetent persons; that publication has been lawfully made in this matter; and that lawful notice was given to all potential claimants, either through direct notice, or through publication. Accordingly, the Court finds and concludes as follows:

1. That process was lawfully executed in this action and returned according to law;
2. That the Defendant Currency was lawfully arrested pursuant to the Warrant of Arrest and Notice *in Rem* issued by this Court;
3. That public notice of this action and of the arrest of the Defendant Currency was lawfully made on an official government internet website having general circulation in this District;
4. That the only known potential claimants Willie Garces, Byron Estrada, and Carolina Oviedo, have received direct notice of this action pursuant to Supplemental Rule G(4) for Admiralty or Maritime Claims and Asset Forfeiture Actions;
5. That neither Willie Garces, Byron Estrada, and Carolina Oviedo are serving in the armed forces of the United States, and that none are infants or incompetent persons;
6. That Willie Garces, Byron Estrada, and Carolina Oviedo have failed to file a Claim, Answer, or other responsive pleading in this action as required by Supplemental Rule G(5) for Admiralty or Maritime Claims and Asset Forfeiture Actions;
7. That no other person has filed herein any verified Claim, Answer, or other responsive pleading within the time fixed by law; and

8. That the allegations of the Complaint for Forfeiture *in Rem* are taken as admitted.

NOW THEREFORE, based upon the above findings, and the Court being otherwise fully advised, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. All persons claiming any right, title or interest in or to the Defendant Currency, including Willie Garces, Byron Estrada, and Carolina Oviedo, are hereby held in default.

2. The Clerk of Court shall enter default against Willie Garces, Byron Estrada, and Carolina Oviedo, and all other interested persons who have or may claim an interest in the Defendant Currency.

3. Default judgment shall be entered by the Clerk of Court against the Defendant Currency and in favor of the United States.

4. Pursuant to 21 U.S.C. § 881(a)(6), the Defendant Currency is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

5. Clear title in and to the Defendant Currency is vested in the United States of America, and no other right, title or interest exists therein. All other claims in the Defendant Currency are hereby forever foreclosed and barred.

6. The \$108,020 in United States Currency forfeited herein shall be disposed of by the United States in accordance with law.

IT IS SO ORDERED.

Columbia S.C.
September 7, 2010


Joseph F. Anderson, Jr.
United States District Judge