

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

| | | |
|----------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | CIVIL ACTION NO.: 6:10-2092-TMC |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | |
| vs. |) | |
| |) | |
| \$193,060 IN UNITED STATES |) | |
| CURRENCY, |) | |
| |) | |
| Defendant <i>In Rem</i> |) | |

ORDER GRANTING DEFAULT JUDGMENT,
AND GRANTING JUDGMENT AND DECREE OF FORFEITURE

This *in rem* forfeiture action was initiated through a Complaint filed on August 11, 2010. It concerns United States currency in the amount of \$193,060 (the “Defendant Currency”), which was seized on March 2, 2010, by the United States 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, and/or was used or intended to be used to facilitate such offenses. Pursuant to 21 U.S.C. § 881(a)(6), the Complaint seeks forfeiture of the Defendant Currency to the United States. The Defendant Currency was previously arrested pursuant to a Warrant of Arrest *In Rem* issued pursuant to Supplemental Rule G(3), Fed. R. Civ. P.

Based upon matters of record in this case, it appears that a copy of the Complaint and the Notice of Forfeiture Action were served upon the only known potential claimants, Clarence Cunningham and Rhonda Cunningham, pursuant to Rule G(4)(b), and that

neither Clarence Cunningham or Rhonda Cunningham is serving in the armed forces, or is an infant or incompetent person; that publication has been lawfully made in this matter; that lawful notice was given to all potential claimants, known or unknown, either through direct notice or by publication; that no Claims, Answers, or other responsive pleadings have been filed in response to such notice; that no extensions to the applicable time limits have been requested, consented to, or granted by this Court; that all applicable deadlines for filing responsive pleadings have now passed; and, that the Clerk has entered default against all known and unknown potential claimants, pursuant to Rule 55(a), Fed. R. Civ. P.

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 *In Rem*, pursuant to Rule G(3);
3. That public notice of this forfeiture action was lawfully made on an official Government internet forfeiture website for a period of at least 30 consecutive days, pursuant to Rule G(4)(a)(iv)(C);
4. That the known potential claimants have received direct notice of this action pursuant to Rule G(4)(b), and that they have failed to file a Claim, Answer, or other responsive pleading in this action, as required by Rule G(5);
5. That no other person or entity has filed a Claim, Answer, or other responsive pleading within the time fixed by law; and
6. That the allegations of the Complaint 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 are hereby held in default, and any right, title, or interest in the Defendant Currency on the part of any claimants or third parties are extinguished and forever barred.

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

3. 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.

4. 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 to the Defendant Currency are hereby forever foreclosed and barred.

5. The \$193,060 in seized currency forfeited herein shall be disposed of by the United States as authorized by law.

IT IS SO ORDERED.26

s/Timothy M. Cain
TIMOTHY M. CAIN
UNITED STATES DISTRICT JUDGE

October 26, 2011
Greenville, South Carolina