

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:17CV00254
)	JUDGE TRAUGER
ONE TAURUS, MODEL 709, 9 MM PISTOL,)	
SERIAL NUMBER TJN74595,)	
)	
Defendant.)	

**DEFAULT JUDGMENT AS TO CINDY DAVIS AND ALL OTHER PERSONS AND
ENTITIES AND FOR
ENTRY OF ORDER OF FORFEITURE**

Plaintiff, United States of America, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, has moved for a Default Judgment as to Cindy Davis and any and all persons and entities who may claim to have an interest in the Defendant Property, in the above-captioned case.

On February 3, 2017, the United States of America filed a Verified Complaint *In Rem* seeking forfeiture of the above-captioned Defendant Property, alleging that the Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 924(d), because it constitutes property involved in or used in a knowing violation of 18 U.S.C. § 924(g) (firearm violation).

Based upon the facts contained in the Verified Complaint *in Rem*, the government has established, by a preponderance of the evidence, the requisite nexus between the Defendant Property and the offenses alleged in the Verified Complaint *in Rem*.

Pursuant to Summons and Warrant for Arrest *In Rem* issued by the Clerk of this Court on February 6, 2017, the Bureau of Alcohol, Tobacco and Firearms for the Middle District of

Tennessee seized Defendant Property on April 19, 2017.

On February 7, 2017, Cindy Davis, was served, via regular and certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings.

Pursuant to the Notice of Judicial Forfeiture Proceedings, all persons claiming an interest in Defendant Property were required to file their verified claims with the Clerk of this Court within thirty-five (35) days from service of the Verified Complaint *In Rem*, and Notice of Judicial Forfeiture.

Public notice to all persons of said forfeiture action was also advertised on-line at “www.forfeiture.gov,” the official internet government forfeiture site, for 30 consecutive days beginning on February 8, 2017 and ending on March 9, 2017.

Pursuant to said notice, all persons claiming an interest in Defendant Property were required to file their verified claims with the Clerk of this Court within sixty (60) days from the first date of publication of the Notice.

No person or entity has filed a Verified Claim within the time permitted by Title 18, United States Code, Section 983(a)(4)(A), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

The Clerk of this Court has entered a default as to all persons and entities claiming an interest in Defendant Property. Based on the pleadings of this case, Cindy Davis is not an infant or incapacitated and is not in the military service of the United States, within the meaning of the War and National Defense Service Members Civil Relief Act, 50 App. U.S.C. § 521.

The United States has now moved for entry of a Default Judgment and Final Order of

Forfeiture and this Court is of the opinion that the Motion of the United States should be granted and Default Judgment be entered as to all persons or entities who may claim to have an interest in the Defendant Property. The Court finds by a preponderance of the evidence that the Verified Complaint for Forfeiture establishes that the Defendant Property constitutes property involved in or used in a knowing violation of 18 U.S.C. § 924(g) (firearm violation), and is, therefore, subject to seizure and forfeiture under the provisions of 18 U.S.C. § 924(d), and, therefore, a Final Order of Forfeiture should be entered.

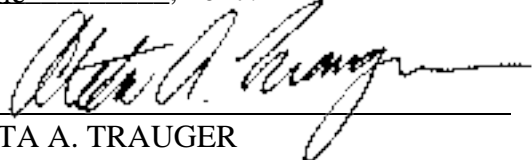
The Motion of the United States for Default Judgment and Final Order of Forfeiture is hereby GRANTED.

Therefore, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. A Judgment by Default is hereby entered as to Cindy Davis and all other persons or entities with respect to any interest they may have in the Defendant Property.
2. The government has established, through the facts set forth in the Verified Complaint *In Rem*, by a preponderance of the evidence that there is a nexus between the Defendant Property and the offenses alleged in the Verified Complaint *In Rem* such that the Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 924(d).
3. The Defendant Property more particularly described as one Taurus, Model 709, 9 MM Pistol, Serial Number TJN74595, is hereby forfeited to the United States of America, and all right, title and interest in and to said property is hereby vested in the United States of America, pursuant to 18 U.S.C. § 924(d).
4. The Bureau of Alcohol, Tobacco and Firearms, as custodian of said forfeited property, shall dispose of the same according to law.

5. The Clerk of this Court shall provide the United States Attorney's Office and the Bureau of Alcohol, Tobacco and Firearms with a certified copy of this order.

Dated on this, the 21st day of June, 2017.



Aleta A. TRAUGER
UNITED STATES DISTRICT JUDGE