

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

2011 JUN 13 PM 3:13
WESTERN DISTRICT OF TEXAS
DEPUTY

UNITED STATES OF AMERICA,

Petitioner,

v.

SMITH AND WESSON MODEL 5906
9MM PISTOL, SERIAL NO. TDK2263, and

24 ROUNDS, MORE OR LESS, OF
9MM AMMUNITION,

Respondents.

CIVIL ACTION NO. _____

JUDGE DAVID BRIONES

EP 11 CV 0253

NOTICE OF COMPLAINT FOR FORFEITURE

1. On June 13, 2011, a Verified Complaint for Forfeiture was filed in this Court by the United States Attorney for the Western District of Texas and Assistant United States Attorney Anna E. Arreola, against the properties described below, which are also specifically described in the Verified Complaint for Forfeiture, and which are subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d)(1) for a violation of 18 U.S.C. § 922(g)(3), namely:

- (1) one Smith and Wesson Model 5906 9mm pistol, serial no. TDK2263;
- (2) 24 rounds, more or less, of 9 caliber ammunition.

(collectively referred to hereinafter as the "Respondent Properties").

2. Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice to any person who reasonably appears to be a potential claimant shall be by direct notice. Accompanying this notice is the Verified Complaint for Forfeiture which has been filed in this cause and which describes the Respondent Properties. Pursuant to Supplemental Rule G(4)(b), any person claiming an interest in the Respondent Properties who has

received direct notice of this forfeiture action must file a Claim in compliance with Rule G(5)(a), with the court within **thirty-five (35) days after the notice was sent, if delivered by mail (if mailed, the date sent is provided below) , or within 35 days of the date of delivery, if notice was personally served.** An Answer or motion under Rule 12 of the Federal Rules of Civil Procedure must then be filed within **twenty-one (21) days** of the Claim being filed. The Claim and Answer must be filed with the Clerk of the Court, 525 Magoffin, Suite 105, El Paso, Texas 79901, and copies of each must be served upon Assistant United States Attorney Anna E. Arreola, 700 E. San Antonio Ave, Suite 200, El Paso, Texas 79901, or default and forfeiture will be ordered. *See* 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions.

Failure to follow the requirements set forth above will result in a judgment by default taken against you for the relief demanded in the complaint.

APPENDIX A

DATE NOTICE SENT: _____

JOHN E. MURPHY
United States Attorney

By: _____
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