

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 30, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$4,145.75 U.S.
CURRENCY; FIREARMS AND
AMMUNITION OF VARIOUS
MANUFACTURERS AND
ASSORTED CALIBERS; A
DIGITAL SCALE; and
MISCELLANEOUS FIREARM
AND AMMUNITION RELATED
ITEMS,

Defendant.

NO: 1:17-CV-3163-RMP

FINAL ORDER OF FORFEITURE

BEFORE THE COURT is a Motion for Entry of a Final Order of Forfeiture by Plaintiff United States. ECF No. 33. Plaintiff alleged in a Verified Complaint for Forfeiture *In Rem* and in an Amended Verified Complaint for Forfeiture *In Rem* that the Defendant property captioned above is subject to forfeiture to the United

1 States pursuant to 21 U.S.C. § 881. ECF Nos. 1 and 2. The Court received no
2 responses to Plaintiff's motion for an order of forfeiture.

3 The Court has jurisdiction over this matter under 28 U.S.C. § 1355, and
4 venue is proper under the same statute.

5 The Defendant property being sought for forfeiture is described as follows:

6 U.S. CURRENCY

7 1) \$4,145.75 U.S. currency seized on or about September 7, 2016,
8 from JOSE ALBERTO ABUNDIZ's person pursuant to his arrest;

9 FIREARMS/AMMUNITION/MISCELLANEOUS

10 Seized on or about September 7, 2016, from JOSE ALBERTO ABUNDIZ's
11 person or ABUNDIZ's Acura vehicle, bearing Washington License Plate:
12 255YUX, pursuant to his arrest and/or the execution of a federal search
13 warrant on the Acura:

- 14 2) Glock handgun, Model 22, Serial No.: GET082;
- 15 3) AR-15 style rifle, .223 caliber, DPMS Panther Arms Serial No.:
16 FH137319;
- 17 4) AK-47 style rifle, Century Arms Inc., VZ 2008 Sporter, Serial No.:
18 VZ08PM-011859;
- 19 5) Three (3) Glock magazines;
- 20 6) One (1) magazine holder;
- 21 7) Thirty-nine (39) .40 caliber bullets;
- 8) Forty-nine (49) 12-gauge shotgun shells;
- 9) Eighty-seven (87) .38 special bullets;
- 10) Fifty (50) .22 caliber bullets;
- 11) Twenty-six (26) 9mm rounds;
- 12) Twenty-nine (29) .40 caliber rounds;
- 13) One (1) shotgun shell;
- 14) Ninety-six (96) 7.62 sks rounds;
- 15) Two (2) .22 caliber rounds;
- 16) Twenty-eight (28) .223 rounds;
- 17) Thirteen (13) Colt .45 rounds;
- 18) One (1) muzzle loader ball;
- 19) Twenty (20) 7.62 x 51 rounds;

- 1 20) Two (2) S&W magazines;
2 21) One (1) 7.62 x 51 magazine;
3 22) One (1) Ruger magazine;
4 23) Three (3) 7.62 magazines;
5 24) One (1) .223 magazine;

6 MISCELLANEOUS

- 7 25) Digital Scale, U.S. Balance;
8 26) Voodoo Tactical gun bag;

9 FIREARMS/AMMUNITION

10 Seized on or about September 7, 2016, from JOSE ALBERTO ABUNDIZ's
11 Lexus vehicle, bearing Washington License Plate AWF7088, pursuant to a
12 consent search.

- 13 27) Braztech 12-gauge shotgun, Serial No.: S12SP014889;
14 28) Rock Island Armory 12-gauge shotgun, Model PAHUMP, Serial No.:
15 RIA1648596;
16 29) Mossberg 12-gauge shotgun barrel;
17 30) Remington 12-gauge shotgun, Model 11-48, Serial No.: 5039090;
18 31) PW Arms rifle, caliber 7.62, Serial No.: RC016860;
19 32) Benelli 12-gauge shotgun, Model NOVA, Serial No.: Z702001M;
20 33) JL Galeh and Sons 20-gauge shotgun, Serial No.: 196769;
21 34) Winchester 12-gauge shotgun, Model SXP Pump, Serial No.:
 12AZX40631;
 35) Remington Wingmaster 12-gauge shotgun, Serial Number
 REMOVED;
 36) Green ammo box with mixed ammunition and a magazine;
 37) A Rifle carrying case containing ammunition; and
 38) A Black bag containing miscellaneous rounds of ammunition.

 On December 6, 2017, Special Agent Ronald T. Ribail executed and
returned the Warrant of Arrest *In Rem*. The United States filed the executed
Warrant of Arrest *In Rem* with the Court on the same day. ECF No. 6.

 On or about December 13 and 14, 2017, all known and potential claimants
were provided notice of this civil forfeiture action. ECF Nos. 7 and 8.

1 On January 3, 2018, PAUL T. CHERRY filed a verified claim to the Benelli
2 12-gauge shotgun, Model NOVA, Serial No: 2702001M, designated as item 32 in
3 the Verified Complaint. (ECF No. 10). Based upon Mr. Cherry's claim and the
4 Federal Bureau of Investigation's interview of Mr. Cherry, the United States has
5 represented that it no longer pursues forfeiture of the Benelli shotgun, and Plaintiff
6 will be returned the item to Mr. Cherry.

7 On June 25, 2018, Clerk's Orders of Default were entered. ECF Nos. 26 –
8 32.

9 No other timely claims to the Defendant assets have been received or filed
10 with the Court, and the deadline for filing timely claims has passed.

11 Claim(s) to the Defendant assets have been resolved as described herein.

12 It appearing to the Court that claimant interest(s) in the Defendant assets
13 have been resolved;

14 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Entry
15 of a Final Order of Forfeiture, **ECF No. 33**, is **GRANTED**. The Defendant
16 property described as follows is hereby forfeited to the United States of America,
17 and no right, title, or interest shall exist in any other person.

18 U.S. CURRENCY

19 1) \$4,145.75 U.S. currency seized on or about September 7, 2016,
20 from JOSE ALBERTO ABUNDIZ's person pursuant to his arrest;

21 FIREARMS/AMMUNITION/MISCELLANEOUS

1 Seized on or about September 7, 2016, from JOSE ALBERTO ABUNDIZ's
2 person or ABUNDIZ's Acura vehicle, bearing Washington License Plate:
3 255YUX, pursuant to his arrest and/or the execution of a federal search
4 warrant on the Acura:

- 5 2) Glock handgun, Model 22, Serial No.: GET082;
- 6 3) AR-15 style rifle, .223 caliber, DPMS Panther Arms Serial No.:
7 FH137319;
- 8 4) AK-47 style rifle, Century Arms Inc., VZ 2008 Sporter, Serial No.:
9 VZ08PM-011859;
- 10 5) Three (3) Glock magazines;
- 11 6) One (1) magazine holder;
- 12 7) Thirty-nine (39) .40 caliber bullets;
- 13 8) Forty-nine (49) 12-gauge shotgun shells;
- 14 9) Eighty-seven (87) .38 special bullets;
- 15 10) Fifty (50) .22 caliber bullets;
- 16 11) Twenty-six (26) 9mm rounds;
- 17 12) Twenty-nine (29) .40 caliber rounds;
- 18 13) One (1) shotgun shell;
- 19 14) Ninety-six (96) 7.62 sks rounds;
- 20 15) Two (2) .22 caliber rounds;
- 21 16) Twenty-eight (28) .223 rounds;
- 22 17) Thirteen (13) Colt .45 rounds;
- 23 18) One (1) muzzle loader ball;
- 24 19) Twenty (20) 7.62 x 51 rounds;
- 25 20) Two (2) S&W magazines;
- 26 21) One (1) 7.62 x 51 magazine;
- 27 22) One (1) Ruger magazine;
- 28 23) Three (3) 7.62 magazines;
- 29 24) One (1) .223 magazine;

30 MISCELLANEOUS

- 31 25) Digital Scale, U.S. Balance;
- 32 26) Voodoo Tactical gun bag;

33 FIREARMS/AMMUNITION

34 Seized on or about September 7, 2016, from JOSE ALBERTO ABUNDIZ's
35 Lexus vehicle, bearing Washington License Plate AWF7088, pursuant to a
36 consent search.

- 1 27) Braztech 12-gauge shotgun, Serial No.: S12SP014889;
2 28) Rock Island Armory 12-gauge shotgun, Model PAHUMP, Serial No.:
3 RIA1648596;
4 29) Mossberg 12-gauge shotgun barrel;
5 30) Remington 12-gauge shotgun, Model 11-48, Serial No.: 5039090;
6 31) PW Arms rifle, caliber 7.62, Serial No.: RC016860;
7 33) JL Galeh and Sons 20-gauge shotgun, Serial No.: 196769;
8 34) Winchester 12-gauge shotgun, Model SXP Pump, Serial No.:
9 12AZX40631;
10 35) Remington Wingmaster 12-gauge shotgun, Serial Number
11 REMOVED;
12 36) Green ammo box with mixed ammunition and a magazine;
13 37) A Rifle carrying case containing ammunition; and
14 38) A Black bag containing miscellaneous rounds of ammunition.

15 The United States shall return the following property to owner, Paul T.

16 Cherry:

- 17 32) Benelli 12-gauge shotgun, Model NOVA, Serial No.: Z702001M;

18 **IT IS FURTHER ORDERED** that the United States Marshals Service shall
19 dispose of the forfeited assets described herein in accordance with law.

20 The Court shall retain jurisdiction in the case for the purpose of enforcing or
21 amending this order.

The District Court Clerk is directed to enter this Order and provide copies to
counsel.

DATED July 30, 2018.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge