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13UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$5,869.00 U.S. CURRENCY; and
\$27,711.90 U.S. FUNDS FROM JP
MORGAN CHASE BANK
ACCOUNT NO.: XXXXXX0609 and
XXXXXX7565,

Defendants.

NO: 2:13-CV-430-RMP

FINAL ORDER OF FORFEITURE

BEFORE THE COURT is a Motion for Forfeiture of Property by Plaintiff United States, ECF No. 39. Plaintiff alleged in a Verified Complaint for Forfeiture *In Rem* that the Defendants captioned above are subject to forfeiture to the United States pursuant to pursuant to 18 U.S.C. § 981(a)(1)(C). ECF No. 1. Having considered the motion and the remaining record, the Court grants the motion and issues a final order of forfeiture regarding the subject property.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. § 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1355.

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

- 2 a. \$671.00 U.S. currency seized by U.S. Secret Service
3 (“USSS”), on or about July 9, 2013, from Perry Hico Market
4 in Spokane, Washington, pursuant to a federal search warrant.
- 5 b. \$763.00 U.S. currency seized by USSS, on or about July 9,
6 2013, from Mewael Habte, from his residence in Spokane,
7 Washington, pursuant to a federal search warrant.
- 8 c. \$4,435.00 U.S. currency seized by USSS, on or about July 9,
9 2013, from Thor Hico Market in Spokane, Washington,
10 pursuant to a federal search warrant.
- 11 d. \$27,711.90 U.S. funds seized by USSS, on or about July 9,
12 2013, from JPMorgan Chase Bank in Spokane, Washington,
13 from Account No.: XXXXXX0609 held in the name of
14 Mawael Habte dba Mo Market; and, Account No.:
15 XXXXXX7565 held in the name of Mak & Mo, LLC, dba
16 Hico Market, pursuant to federal seizure warrants.

17 The Court refers to the above-described property, collectively, as
18 “Defendant property”.

19 On March 27, 2014, the USSS executed the Warrant of Arrest *In Rem*. The
20 returned warrant was filed with the Court under the above cause number on April
21 15, 2014. ECF No. 5.

In accordance with Fed. R. Civ. P. Rule G(4)(a)(iv)(C), Supplemental Rules
for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil
forfeiture was posted on an official government website, www.forfeiture.gov,
beginning on January 5, 2014, and ending February 3, 2014. ECF Nos. 22, 22-1 and
22-2. Based upon the internet publication start date of January 5, 2014, the last date

1 to file a timely claim, if direct notice was not received, was March 6, 2014. *See*
2 ECF No. 22-2 at 1; Fed. R. Civ. P. Rule G(5), Supplemental Rules for Admiralty or
3 Maritime Claims and Asset Forfeiture Actions. To date, no claims have been
4 received or filed pursuant to the internet posting.

5 On or about April 18, 2014, the United States sent a copy of the Verified
6 Complaint for Forfeiture *In Rem*, ECF No. 1, Warrant of Arrest *In Rem*, ECF No.
7 5, and Notice of Complaint for Forfeiture, ECF No. 17-1, to known potential
8 claimant MEKONNEN TEKLE GEBRE, via certified mail, return receipt
9 requested, to his last known address. ECF Nos. 17 and 17-1; Fed. R. Civ. P. Rule
10 G(4)(b), Supplemental Rules for Admiralty or Maritime Claims and Asset
11 Forfeiture Actions. Based upon the direct notice service date of April 18, 2014, his
12 claim deadline was May 23, 2014. To date, no claim of interest has been received
13 or filed with the Court, and the time allowed for filing his claim has expired.

14 On August 9, 2017, the United States filed its Notice of Default, ECF No.
15 34, which was served via certified mail upon MEKONNEN TEKLE GEBRE in the
16 care of Attorney Mark D. Hodgson, who represents Mr. Gebre in the related
17 Eastern District of Washington criminal case, *United States v. Mekonnen T. Gebre*,
18 Cause No. 2:17-CR-51-JLQ. On September 12, 2017, the United States filed its
19 Motion for Entry of Default, ECF No. 35, which was served via regular, first-class
20 U.S. mail, upon MEKONNEN TEKLE GEBRE in the care of Attorney Mark D.
21 Hodgson. To date, no response has been received from Mr. Gebre. On September

1 13, 2017, a Clerk's Order of Default, ECF No. 36, was entered as to Mr. Gebre's
2 potential interest in the Defendant property.

3 On or about April 18, 2014, the United States sent a copy of the Verified
4 Complaint for Forfeiture *In Rem*, ECF No. 1, Warrant of Arrest *In Rem*, ECF No. 5,
5 and Notice of Complaint for Forfeiture, ECF No. 18-1, to known potential claimant
6 MAWAEL HABTE, via certified mail, return receipt requested, to his last known
7 address and in the care of Attorney Robert Cossey. ECF Nos. 18 and 18-1. In
8 addition, on or about April 18, 2014, copies of Verified Complaint for Forfeiture *In*
9 *Rem*, ECF No. 1, Warrant of Arrest *In Rem*, ECF No. 5, and Notice of Complaint for
10 Forfeiture, were sent via certified mail, return receipt requested, to the Perry Hico
11 Market and the Thor Hico Market. ECF Nos. 20, 20-1, 21, and 21-1. Plaintiff
12 represents that MAWAEL HABTE is the owner of the two markets. On May 23,
13 2014, MAWAEL HABTE filed a Claim, ECF No. 8. On June 16, 2014, MAWAEL
14 HABTE filed an Answer. ECF No. 10. On August 8, 2017, MEWAEL HABTE
15 aka MAWAEL HABTE signed a Stipulation to Withdraw Claim and for Entry of an
16 Order of Forfeiture, filed herein on September 28, 2017. ECF No. 37.

17 On or about April 18, 2014, the United States sent a copy of Verified
18 Complaint for Forfeiture *In Rem* (ECF No. 1), Warrant of Arrest *In Rem* (ECF No.
19 5), and Notice of Complaint for Forfeiture (ECF No. 19-1), to known potential
20 claimant FEVAN NEGASH, via certified mail, return receipt requested, to her last
21 known address (ECF No. 19 and 19-1). On May 23, 2014, FEVEN NEGASH filed

1 a Claim (ECF No. 9). On June 16, 2014, FEVEN NEGASH filed an Answer. ECF
2 No. 11. On August 8, 2017, FEVEN NEGASH signed a Stipulation to Withdraw
3 Claim and for Entry of an Order of Forfeiture, filed herein on September 28, 2017.
4 ECF No. 38.

5 No other claims to the Defendant property, timely or otherwise, have been
6 received or filed with the Court, and the deadlines for filing claims have passed.

7 Claims to the Defendant property have been resolved as described herein.

8 It appearing to the Court that and any all claimant interests or potential
9 interests in the Defendant property have been resolved;

10 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** the
11 United States' Motion for Entry of Final Order of Forfeiture, **ECF No. 39**, is
12 **GRANTED**, and the Defendant property described as follows is hereby forfeited
13 to the United States of America, and no right, title, or interest shall exist in any
14 other person.

15 a. \$671.00 U.S. currency seized by USSS, on or about July 9,
16 2013, from Perry Hico Market in Spokane, Washington,
pursuant to a federal search warrant.

17 b. \$763.00 U.S. currency seized by USSS, on or about July 9,
18 2013, from Mewael Habte, from his residence in Spokane,
Washington, pursuant to a federal search warrant.

19 c. \$4,435.00 U.S. currency seized by USSS, on or about July 9,
20 2013, from Thor Hico Market in Spokane, Washington,
pursuant to a federal search warrant.

21 d. \$27,711.90 U.S. funds seized by USSS, on or about July 9,
2013, from JPMorgan Chase Bank in Spokane, Washington,

1 from Account No.: XXXXXX0609 held in the name of
2 Mawael Habte dba Mo Market; and, Account No.:
3 XXXXXX7565 held in the name of Mak & Mo, LLC, dba
4 Hico Market, pursuant to federal seizure warrants.

5 The telephonic status conference set for November 9, 2017, shall be
6
7 **STRICKEN.**

8 **IT IS FURTHER ORDERED** that the United States Secret Service shall
9 dispose of the forfeited Defendant property described herein in accordance with
10 law.

11 **IT IS FURTHER ORDERED** that the United States District Court shall
12 retain jurisdiction in the case for the purpose of enforcing or amending this order.

13 The District Court Clerk is directed to enter this Order and provide copies to
14 counsel, and **close this case.**

15 **DATED** October 20, 2017.

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s/ Rosanna Malouf Peterson

ROSANNA MALOUF PETERSON
United States District Judge