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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 APPROXIMATELY \$53,965.00 U.S.
11 CURRENCY and a 2003 FORD
12 MUSTANG COBRA,
13 WASHINGTON LICENSE PLATE
309ZWW, VIN:
1FAFP48Y73F332371,

14 Defendants.

NO. 2:16-CV-00235-JLQ

FINAL ORDER OF FORFEITURE

15 BEFORE THE COURT is the Government's Renewed Motion for Entry of Final Order
16 of Forfeiture (ECF No. 55) and Motion to Expedite (ECF No. 56).

17 In a Verified Complaint for Forfeiture *In Rem*, the Government alleged the Defendant
18 currency and vehicle are subject to forfeiture pursuant to 21 U.S.C. § 881. (ECF No. 1). The
19 court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1345 and 1355. Venue is
20 proper pursuant to 28 U.S.C. § 1355.

21 The Defendant property being sought for forfeiture is:

22 (1) Approximately \$3,965.00 U.S. currency, seized by the United States Drug
23 Enforcement Agency ("DEA") from Rodney Fisher, incident to his arrest, on or about May
24 22, 2015;

25 (2) A 2003 Ford Mustang Cobra, Washington License Plate 309ZWW, VIN:
26 1FAFP48Y73F332371, seized by DEA on or about May 27, 2014;

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1 (3) Approximately \$50,000.00 U.S. currency, seized by DEA on or about October
2 28, 2014.

3 On June 30, 2016, the United States Marshals Service executed the Warrant of Arrest
4 *In Rem*. The returned warrant was filed on July 5, 2016. (ECF No. 5).

5 In accordance with Fed.R.Civ.P. Rule G(4)(a)(iv)(C), Supplemental Rules for
6 Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of civil forfeiture was
7 posted on an official government website from July 8, 2016, to August 6, 2016. (ECF No. 11).
8 Based on the internet publication starting on July 8, 2016, the last date to file a timely claim,
9 if direct notice was not received, was September 6, 2016. The Government states no claims
10 have been received or filed in response to the internet posting.

11 On or about July 6 and 12, 2016, Rodney Allen Fisher, Jr., was served via certified
12 mail, return receipt requested, a copy of the Verified Complaint (ECF No. 1), Warrant of
13 Arrest *In Rem* (ECF No. 5), and Notice of Complaint for Forfeiture (ECF No. 6-1 and 42).
14 On August 9, 2016, Fisher filed a claim (ECF No. 7) and an answer (ECF No. 9).

15 On August 11, 2017, the Government filed a Settlement Agreement and Stipulation for
16 Forfeiture signed by Fisher. (ECF No. 36). In the Agreement, the Government agreed to
17 return \$16,000.00 of the Defendant currency to Fisher and Fisher agreed to forfeit the
18 remaining \$37,965.00 and the 2003 Ford Mustang Cobra to the Government.

19 On or about July 6 and 12, 2016, Michael Schroder was served via certified mail, return
20 receipt requested, with a copy of the Verified Complaint (ECF No. 1), Warrant of Arrest *In*
21 *Rem* (ECF No. 5), and Notice of Complaint for Forfeiture (ECF No. 6-1 and 42). Based on
22 the service date of July 12, 2016, Schroder's deadline to file a timely claim was August 20,
23 2016. No claim has been filed and the Government states it has not received any claim of
24 interest from Schroder. On September 11, 2017, a Clerk's Order of Default was entered (ECF
25 No. 47). On November 14, 2017, Default Judgment was entered. (ECF No. 53); (ECF No.
26 54).

1 On or about July 6 and 12, 2016, Ray James Noel was served via certified mail, return
2 receipt requested, with a copy of the Verified Complaint (ECF No. 1), Warrant of Arrest *In*
3 *Rem* (ECF No. 5), and Notice of Complaint for Forfeiture (ECF No. 6-1 and 42). Based on
4 the service date of July 12, 2016, Noel's deadline to file a timely claim was August 20, 2016.
5 No claim has been filed and the Government states it has not received any claim of interest
6 from Noel. On September 11, 2017, a Clerk's Order of Default was entered (ECF No. 47).
7 On November 14, 2017, Default Judgment was entered. (ECF No. 53); (ECF No. 54).

8 No other timely claims to the Defendant property have been received by the
9 Government or filed with the court, and the deadline for filing timely claims has passed. All
10 claims to the Defendant property have been resolved as described herein.

11 **IT IS HEREBY ORDERED:**

12 1. The Government's Renewed Motion for Entry of Final Order of Forfeiture (ECF
13 No. 55) and Motion to Expedite (ECF No. 56) are **GRANTED**.

14 2. The Defendant property described as follows is forfeited to the Government and
15 no right, title, or interest shall exist in any other person.

16 (A) \$37,965.00 of the total \$53,965.00 U.S. currency seized by the United
17 States Drug Enforcement Agency on or about May 22, 2014, and October 28, 2014; and

18 (B) A 2003 Ford Mustang Cobra, Washington License Plate 309ZWW, VIN:
19 1FAFP48Y73F332371, seized by the United States Drug Enforcement Agency on or about
20 May 7, 2014.

21 3. The United States Marshals Service shall dispose of the forfeited property in
22 accordance with law and the Settlement Agreement with Fisher.

23 4. This court shall retain jurisdiction in this matter for the purpose of enforcing or
24 amending this Order.

25 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, furnish copies
26 to counsel, and close this file.

1 Dated November 16, 2017.

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3 s/ Justin L. Quackenbush
4 JUSTIN L. QUACKENBUSH
5 SENIOR UNITED STATES DISTRICT JUDGE
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