

Apr 23, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$7,600.00 U.S.
CURRENCY,

Defendant.

No. 4:17-CV-05148-EFS

**ORDER DECLARING FINAL THE
PRELIMINARY ORDER OF
FORFEITURE**

Before the Court is the Government's Motion for Entry of Final Order of Forfeiture, ECF No. 17. For the reasons that follow, the Court grants the motion and enters the following final order of forfeiture.

I. Procedural History

On September 19, 2017, the Government filed a Verified Complaint for Forfeiture In Rem, ECF No. 1, alleging that the Defendant currency – approximately \$7,600.00 in U.S. currency seized by the Federal Bureau of Investigation on or about May 28, 2015 – is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. In the verified complaint, the Government alleged as follows:

The Defendant property is liable to condemnation and forfeiture to the United States for its use, in accordance with the provisions of 21 U.S.C. § 881(a)(6), because it constitutes: 1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; 2) proceeds traceable to such an exchange; and/or 3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

ECF No. 1 at 3. On October 4, 2017, the U.S. Marshals Service executed and filed the Warrant of Arrest In Rem, ECF No. 5.

1 **A. Potential Claimant Noe Cesar Melchor-Ventura**

2 On or about October 12, 2017, the Government sent copies of the
3 Verified Complaint for Forfeiture In Rem, ECF No. 1; the Warrant of
4 Arrest In Rem, ECF No. 5; and a notice of complaint for forfeiture to
5 Noe Cesar Melchor-Ventura, via regular first-class mail and via
6 certified mail - return receipt requested - both to his last known
7 address and in care of attorney Rick Hoffman. See ECF No. 6.

8 Based upon the last direct notice service date of January 24,
9 2018, Mr. Melchor-Ventura's claim deadline was February 28, 2018. To
10 date, no claim of interest has been received or filed with the Court,
11 and the time allowed for filing his claim has expired. On April 6,
12 2018, a Clerk's Order of Default was entered. ECF No. 15.

13 **B. Potential Claimant Janeth Sanchez**

14 On or about October 12, 2017, and January 24, 2018, the Government
15 sent copies of the Verified Complaint for Forfeiture In Rem, ECF No. 1;
16 the Warrant of Arrest In Rem, ECF No. 5; and a notice of complaint for
17 forfeiture to Janeth Sanchez, via regular first-class mail and via
18 certified mail - return receipt requested - to her last known addresses.
19 See ECF Nos. 7 and 10.

20 Based upon the last direct notice service date of January 24,
21 2018, Ms. Sanchez's claim deadline was February 28, 2018. To date, no
22 claim of interest has been received or filed with the Court, and the
23 time allowed for filing her claim has expired. On April 6, 2018, a
24 Clerk's Order of Default was entered. ECF No. 16.

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1 **C. Unknown Potential Claimants**

2 Beginning October 6, 2017, and ending November 4, 2017, in
3 accordance with Federal Rule of Civil Procedure G(4)(a)(iv)(C), the
4 Government posted a notice of civil forfeiture on the official
5 government website, www.forfeiture.gov. See ECF No. 8. For someone who
6 did not receive direct notice, the last date to file a timely claim
7 based on the internet publication dates was December 5, 2017.

8 **II. Motion Granted: Final Order of Forfeiture**

9 No claims, timely or otherwise, have been received or filed with
10 the Court and the deadline for filing timely claims has passed. As
11 such, **IT IS HEREBY ORDERED:**

12 1. The Defendant property – approximately \$7,600.00 in U.S.
13 currency seized on or about May 28, 2015, by the Federal
14 Bureau of Investigation – is hereby **FORFEITED** to the United
15 States of America; no right, title, or interest shall exist
16 in any other person.

17 2. The forfeited Defendant property described above shall be
18 disposed of in accordance with the law.

19 3. This Court shall retain jurisdiction in this case to enforce
20 this order and to amend it as necessary

21 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
22 Order and provide copies to all counsel.

23 **DATED** this 23rd day of April 2018.

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s/Edward F. Shea
EDWARD F. SHEA
26 Senior United States District Judge