

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$7,604 IN U.S. CURRENCY,
and \$42,050.44 IN U.S. CURRENCY,
more or less, and all proceeds therefrom,

Defendants.

NO. C06-1712RSM

ORDER DISMISSING CLAIMS OF
EULALIO LEMUS-MONTELONGO
AND ALMA GONZALEZ, AND
DEFAULT JUDGMENT
OF FORFEITURE

Plaintiff, United States of America, filed its Verified Complaint for Forfeiture *In Rem* against \$7,604 in U.S. Currency and \$42,050.44 in U.S. Currency, more or less, and all proceeds therefrom (“defendant currency”) on November 27, 2006, pursuant to Title 21, United States Code, Section 881(a)(6) for violations of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

On February 26, 2007, Plaintiff sent the Notice of Complaint for Forfeiture *in Rem* and copies of the Verified Complaint of Forfeiture and Warrant for Arrest *in Rem* via registered mail, to attorney George Paul Trejo, Jr., counsel for Eulalio Lemus-Montelongo. The Notice of Complaint detailed the requirements for properly filing a statement of interest.

1 On March 7, 2007, Attorney George Paul Trejo, Jr. filed two Notices of
2 Appearance as to the defendant currency. In each notice, Mr. Trejo, Jr. stated that he was
3 the attorney for Eulalio Lemus-Montelongo and Alma Gonzalez.

4 On March 7, 2007, Mr. Trejo, Jr. also filed two Notices of Claim on Notice of
5 Appearance form paper. Both notices introduced the claims of Eulalio Lemus-
6 Montelongo and Alma Gonzalez. Neither claim was signed by either potential claimant,
7 and only signed by George Paul Trejo, Jr. No Answer was filed after these claims were
8 filed.

9 On March 8, 2007, the United States Marshals Service perfected personal service
10 of the Complaint for Forfeiture *In Rem* upon Eulalio Monte-Longo.

11 Notice of the forfeiture action was published on March 14, March 21 and
12 March 28, 2007, in The Daily Journal of Commerce. All interested persons were advised
13 to file their claims pursuant to Supplemental Rule C(6)(a) of the Federal Rules of Civil
14 Procedure which has since been replaced by Supplemental Rule G(5).

15 On November 19, 2007, Eulalio Lemus-Montelongo, Pro Se, filed a motion for a
16 claim of property with the Court which was denied for failure to state a basis for the relief
17 requested and for being in violation of his Plea Agreement filed in a parallel criminal
18 case, Case No. CR06-198RSL.

19 No other parties have come forward to file a verified claim to the defendant
20 currency or filed a timely answer asserting any affirmative defenses to the government's
21 verified complaint for forfeiture and the time for doing so has passed.

22 Now, therefore, on the **unopposed** motion of the Plaintiff, the United States of
23 America, to dismiss the claims of Eulalio Lemus-Montelongo and Alma Gonzalez and for
24 the entry of a Default Judgment of Forfeiture, it is hereby

25 //

26 //

1 ORDERED, ADJUDGED and DECREED as follows:

2 1. This Court has jurisdiction over this action under Title 28, United States
3 Code, Sections 1345 and 1355 and venue pursuant to Title 28, United States Code,
4 Section 1395.

5 2. The claims of Eulalio Lemus-Montelongo and Alma Gonzalez filed by
6 counsel, Georgre Trejo, are dismissed for failing to meet and comply with the minimum
7 pleading requirements set forth in Supplemental Rule G(5) of the Federal Rules of Civil
8 Procedure, consequently failing to confer standing to either party to contest the forfeiture
9 of the defendant currency.

10 3. The defendant United States currency is hereby forfeited to the United
11 States of America, and no right, title or interest in the defendant currency shall exist in
12 any other party.

13 3. The United States Marshals Service shall dispose of the above-described
14 currency in accordance with law.

15 4. The Clerk of the Court shall deliver six (6) "raised seal," certified copies of
16 the Default Judgment of Forfeiture to the United States Marshals Service in Seattle,
17 Washington.

18 DATED this 25th day of June, 2009.

19
20 

21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE

23 Presented by:

24 s/ Richard E. Cohen
25 RICHARD E. COHEN
26 Assistant United States Attorney
27 United States Attorney's Office
28 700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Telephone: 206-553-2242
Fax No.: 206-553-6934
E-Mail: Richard.E.Cohen@usdoj.gov