

Judge J. Richard Creatura

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

CASE NO. C14-5329JRC

Plaintiff,

JUDGMENT OF FORFEITURE

v.

\$133,215.00 IN UNITED STATES
CURRENCY,

Defendant.

Plaintiff, the United States of America, brought this civil action by filing a *Verified Complaint for Forfeiture in Rem* on April 22, 2014, seeking forfeiture of the above-captioned \$133,215.00 in United States Currency that was seized on September 4, 2013 from Claimant RODRIGO HERNANDEZ-SANCHEZ at his residence located at 1004 4th Street NE in Puyallup, Washington 98372 (“Defendant Currency”).

The *Complaint* alleged that the Defendant Currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6), which provides for the forfeiture of currency constituting moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and

1 securities used or intended to be used to facilitate violation of 21 U.S.C. §§ 841(a)(1),
2 841(b)(1)(A), 841(b)(1)(B), and 846. As set forth in the *Affidavit of Edward Chan in*
3 *Support of the Verified Complaint for Forfeiture in Rem*, the Government alleged that the
4 Defendant Currency was seized as part of an investigation into a Drug Trafficking
5 Organization (“DTO”) conspiracy between members of the DTO and others to distribute
6 heroin, cocaine, and methamphetamine in Washington—as charged in the criminal case
7 *United States v. Jose Ayala Mazoraquil, et al.* filed in the U.S. District Court for the Western
8 District of Washington at Case No. CR13-0273MJP.

9 On April 22, 2014, the United States filed a *Notice of Verified Complaint for*
10 *Forfeiture in Rem*, in which all interested persons were advised to file their claims pursuant
11 to Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
12 Court within thirty-five (35) days after the date of service of the *Complaint* and to serve their
13 Answers to the *Complaint* within twenty-one (21) days after filing a claim.

14 Pursuant to Supplemental Rule G(4)(a)(iv)(C) of the Federal Rules of Civil
15 Procedure, notice of the forfeiture action was published on www.forfeiture.gov for thirty
16 (30) consecutive days beginning on April 24, 2014. All interested persons were advised to
17 file their claims to the Defendant Currency pursuant to Supplemental Rule G(5) of the
18 Federal Rules of Civil Procedure with the Clerk of the Court within sixty (60) days after the
19 first date of publication and to serve their answers to the *Complaint* within twenty-one (21)
20 days after filing a claim.

21 On May 27, 2014, Claimant RODRIGO HERNANDEZ-SANCHEZ filed a *Verified*
22 *Claim* to the Defendant Currency via his attorney of record, Michael S. Clark. The Claimant
23 signed his *Claim* before a Vice Consul of the United States of America at Tijuana, Baja
24 California, Mexico. The Claimant, through counsel, then filed an *Answer* with affirmative
25 defenses on August 6, 2014.

26 On February 27, 2015, the Court granted Mr. Clark’s *Motion to Allow Withdrawal*, in
27 which Mr. Clark stated that he had lost contact with the Claimant despite multiple attempts
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1 to contact him; therefore, he could not obtain responses to the outstanding discovery requests
2 propounded by the Government on his client.

3 On April 1, 2015, the Government filed a *Motion for Summary Judgment and to*
4 *Strike Forfeiture Claim*. Specifically, the Government moved to strike RODRIGO
5 HERNANDEZ-SANCHEZ's claim because he failed to maintain communication with his
6 attorney, failed to communicate with the Government after his attorney was permitted to
7 withdraw, and failed to respond to outstanding discovery requests. Additionally, the
8 Government moved for summary judgment on the following grounds: the Claimant failed to
9 respond to the Government's discovery requests, thereby leaving undisputed the facts
10 necessary to support a forfeiture judgment; the Defendant Currency is forfeitable to the
11 Government because there is a nexus between the criminal activity and the Defendant
12 Currency by a preponderance of the evidence; and, finally, the Claimant is not an "innocent
13 owner."

14 On May 27, 2015, this Court entered an *Order Granting Plaintiff's Motion to Strike*
15 *and for Summary Judgment*, thereby striking RODRIGO HERNANDEZ-SANCHEZ's
16 Claim and granting summary judgment to the Government. In its *Order*, the Court directed
17 the Government to file a proposed Judgment of Forfeiture within ten days.

18 All persons and entities believed to have an interest in the Defendant Currency were
19 given proper notice of the intended forfeiture. No other claimants have come forward to
20 assert an interest in the forfeited property, and the time for doing so has expired. Now
21 therefore, it is hereby

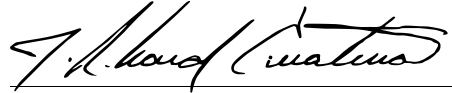
22 ORDERED, ADJUDGED and DECREED as follows:

23 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345
24 and 1355.

25 2. Pursuant to 21 U.S.C. § 881(a)(6), the above-captioned \$133,215.00 in United
26 States Currency is hereby forfeited to the United States of America. No right, title, or
27 interest in said \$133,215.00 shall exist in any other party.

1 3. The United States Marshals Service shall dispose of the \$133,215.00 in
2 accordance with the law.

3 DATED this 3rd day of June, 2015.

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6 J. Richard Creatura
7 United States Magistrate Judge

8 Presented by:

9
10 /s/ Richard E. Cohen

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