

1 MCGREGOR W. SCOTT
2 United States Attorney
3 PHILLIP A. TALBERT
4 Assistant U.S. Attorney
5 501 I Street, Suite 10-100
6 Sacramento, CA 95814
7 Telephone: (916) 554-2700

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) 2:05-MC-00035 DFL
12 Plaintiff,) CONSENT JUDGMENT
13 v.) OF FORFEITURE
14 APPROXIMATELY \$9,960.00 IN U.S.)
15 CURRENCY,)
16 Defendant.)
17 RAMON RAMIREZ and OSBALDO)
18 RAMIREZ,)
19 Potential Claimants.)

20 Pursuant to the Stipulation for Consent Judgment of
21 Forfeiture, the Court finds:

22 1. On October 6, 2004, Ramon Ramirez and Osbaldo Ramirez were
23 indicted pursuant to 21 U.S.C. §§ 841(a)(1) and 846.
24 2. On July 23, 2004, a confidential source, acting under the
25 direction of law enforcement, arranged a meeting with Ramon Ramirez
26 at a Yuba City, California restaurant. At the meeting, Ramon
27 Ramirez offered to sell methamphetamine to the confidential source.
28 The confidential source asked for one-half pound of

1 methamphetamine, and Ramon Ramirez said he would check his sources.
2 Ramon Ramirez provided the confidential source with a sample of a
3 substance containing what laboratory testing revealed was 0.6 grams
4 of methamphetamine.

5 3. Later on July 23, 2004, the confidential source met with
6 Ramon Ramirez and followed him to his residence in Live Oak,
7 California. The confidential source provided Ramon Ramirez with
8 \$3,600 to purchase one-half pound of methamphetamine. Ramon
9 Ramirez instructed Osbaldo Ramirez to go get it. Osbaldo Ramirez
10 left, and later returned and said it was ready. The confidential
11 source then followed Ramon Ramirez and Osbaldo Ramirez to a shed in
12 the backyard where Ramon Ramirez, with Osbaldo Ramirez present,
13 weighed out and packaged for the confidential source a substance
14 containing what laboratory testing revealed was 136.5 grams of
15 methamphetamine.

16 4. On September 22, 2004, law enforcement officers executed a
17 federal search warrant at 2712 Donovan Court, Live Oak, California
18 and arrest warrant on Ramon Ramirez. The law enforcement officers
19 located 41.7 grams of an unknown white powder substance that was
20 concealed in a white cardboard box in the garage, approximately
21 \$4,960.00 in U.S. Currency in a coffee cup and approximately
22 \$5,000.00 in U.S. Currency in a second coffee cup.

23 5. Ramon Ramirez and Osbaldo Ramirez acknowledge that they
24 are the sole owners of the defendant approximately \$9,960.00 in
25 U.S. Currency and that no other person or entity has any legitimate
26 claim of interest therein. Should any person or entity institute
27 any kind of claim or action against the government with regard to
28 its forfeiture of the defendant currency, Ramon Ramirez and Osbaldo

1 Ramirez shall hold harmless and indemnify the United States, as set
2 forth below.

3 6. This Court has jurisdiction in this matter pursuant to 28
4 U.S.C. §§ 1345 and 1355, as this is the judicial district in which
5 acts or omissions giving rise to the forfeiture occurred.

6 7. This Court has venue pursuant to 28 U.S.C. § 1395, as this
7 is the judicial district in which property was seized.

8 8. The parties herein desire to settle this matter pursuant
9 to the terms of a duly executed Stipulation for Consent Judgment of
10 Forfeiture.

11 Based upon the above findings, and the files and records of
12 the Court, it is hereby ORDERED AND ADJUDGED:

13 9. The Court adopts the Stipulation for Consent Judgment of
14 Forfeiture entered into by and between the parties.

15 10. All right, title, and interest in \$4,980.00 of the
16 approximately \$9,960.00 in U.S. Currency seized on or about
17 September 22, 2004, plus any accrued interest, shall be forfeited
18 to the United States pursuant to 21 U.S.C. § 881(a)(6), to be
19 disposed of according to law.

20 11. Upon entry of this Consent Judgment of Forfeiture, but no
21 later than 30 days thereafter, the U.S. Marshals Service shall
22 return a total of \$4,980.00 to Ramon Ramirez and Osbaldo Ramirez by
23 way of a check made payable to Osbaldo Ramirez. Both Ramon Ramirez
24 and Osbaldo Ramirez agree that the return of their portion shall be
25 made in this manner. Payment shall be sent to Osbaldo Ramirez at
26 2712 Donovan Court, Live Oak, California 95953.

27 12. Plaintiff United States of America and its servants,
28 agents, and employees and all other public entities, their

1 servants, agents and employees, are released from any and all
2 liability arising out of or in any way connected with the seizure
3 and/or forfeiture of defendant currency. This is a full and final
4 release applying to all unknown and unanticipated injuries, and/or
5 damages arising out of said seizure and/or forfeiture, as well as
6 to those now known or disclosed. The parties to the Stipulation
7 filed herein have agreed to waive the provisions of California
8 Civil Code § 1542, which provides: **"A general release does not**
extend to claims which the creditor does not know or suspect to
exist in his favor at the time of executing the release, which if
known by him must have materially affected his settlement with the
debtor."

13. Pursuant to the Stipulation for Consent Judgment of
14 Forfeiture filed herein, the Court finds that there was reasonable
15 cause for the seizure of defendant currency, and a Certificate of
16 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered
17 accordingly.

18. All parties will bear their own costs and attorneys'
19 fees.

20. IT IS SO ORDERED.

21. DATED: May 14, 2007

/s/ David F. Levi

22. DAVID F. LEVI
United States District Judge

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26. **CERTIFICATE OR REASONABLE CAUSE**

27. Pursuant to the Stipulation for Consent Judgment of Forfeiture
28. filed herein, the Court enters this Certificate of Reasonable Cause

1 pursuant to 28 U.S.C. § 2465, that there was reasonable cause for
2 the seizure of the above-described currency.

3 DATED: May 14, 2007

/s/ David F. Levi

4 DAVID F. LEVI

United States District Judge

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