U.S. Department of Justice
Criminal Division
Asset Forfeiture and Money Laundering Section

Quick Release

A Monthly Survey of Federal Forfeiture Cases

Volume 11, Number 8 **August 1998**

Money Laundering / Traceable Property

- **If a defendant is convicted of both money laundering and the underlying offense, the forfeiture is properly imposed under the money laundering statute, 18 U.S.C. § 982(a)(1), and is not limited to the forfeiture available for the underlying offense.**

- **Money laundering forfeitures are broader than forfeitures available under "proceeds" statutes such as section 982(a)(2); under the money laundering statute, the defendant must forfeit the proceeds being laundered and the property used to facilitate the laundering offense.**

- **If the money laundering offense consists of the exchange of "proceeds" for personal property, the Government may either obtain a money judgment for the value of the proceeds or forfeit the property obtained as a result of the purchase, but not both.**

- **If the Government forfeits property purchased in a section 1957 transaction, it is entitled to the appreciated value of the property, irrespective of whether the appreciation was due to market conditions, labor expended by the defendant, or the infusion of untainted funds.**

- **The defendant is entitled to a credit against the forfeiture for the amount returned to the victim.**

Defendant misappropriated $140,450 in funds intended as charitable contributions and used the money to purchase a number of items for his personal use, including a motor home. He was convicted of mail fraud and money laundering (18 U.S.C. § 1957) and ordered to forfeit $140,450 (in a money judgment) and the motor home. He appealed the forfeiture order on several grounds.

First, Defendant contended that, notwithstanding the money laundering convictions, this was really a mail fraud case. Thus, he argued, the forfeiture should have been imposed under 18 U.S.C. § 982(a)(2), which provides only for the forfeiture of fraud "proceeds," and not under section 982(a)(1), which provides for the forfeiture of all property involved in a violation of section 1957.

The **Eighth Circuit** disagreed. The misappropriation of the $140,450, the court held, was the basis for the mail fraud conviction, but the use of the money—on eight separate occasions—to buy personal items constituted separate violations of section 1957. Therefore, the Government was correct in seeking forfeiture of all "property involved" in the section 1957 violations under section 982(a)(1) and was not limited to the forfeiture of "proceeds" under section 982(a)(2).

Forfeitures under section 982(a)(1), the court explained, are broader in scope than forfeitures under "proceeds" statutes like section 982(a)(2). Under section 982(a)(1), the court may order the forfeiture of the "corpus"—*i.e.,* the proceeds being laundered—as well as any property used to facilitate the laundering offense. For example, the court said, if Defendant had used a personal computer to facilitate the unlawful monetary transactions in violation of section 1957, the computer would have been forfeitable as facilitating property. It might also be appropriate in some circumstances, the court added, to order the forfeiture of commingled and untainted funds in a bank account that facilitated the laundering offense. In any event, as a general rule, the court concluded, if a defendant is convicted of a money laundering offense, the Government is entitled to the forfeiture of facilitating property under section 982(a)(1) and is not limited to the proceeds being laundered.

Next, Defendant objected to the forfeiture of the motor home on two grounds. Apparently, Defendant used $27,000 of the misappropriated funds to purchase the motor home in 1996, but since that time, the motor home had appreciated in value. Defendant argued that the forfeiture should be limited to the value the motor home had when he bought it and should not include the appreciation. He also argued that the $27,000 purchase price was already included in the $140,450 forfeiture judgment and should not be counted twice. The **Eighth Circuit** rejected the first contention but agreed with Defendant on the second.

The section 1957 violation was the use of $27,000 in fraud proceeds to purchase the motor home. Accordingly, the $27,000 was subject to forfeiture as property "involved in" the money laundering offense, and the motor home was forfeitable as property "traceable to" that offense. But, the court held, while the Government may forfeit *either* the property involved in the offense *or* the property traceable thereto, it may *not* forfeit both. In other words, when a defendant's money laundering transaction results in the exchange of money for personal property, the Government can forfeit the "traceable" property—in this case, the motor home—but it cannot also obtain a money judgment for the cash "involved in" the offense.

On the other hand, the court held, the appreciation in the value of the motor home was traceable to the money laundering offense. "Irrespective of whether the increased value of the converted property is the result of wise investment, personal effort by [Defendant], or by adding [Defendant's] personal untainted funds, because the converted property is traceable to the unlawful monetary transaction, we conclude that the property is subject to forfeiture under the statute." Therefore, while Defendant was entitled to a reduction in the money judgment to reflect the $27,000 invested in the motor home, he

The case summaries and comments in *Quick Release* are intended to assist government attorneys in keeping up to date with developments in the law. They do not represent the policy of the U.S. Department of Justice and may not be cited as legal opinions or conclusions binding on any government attorneys.

The *Quick Release* is a monthly publication of the Asset Forfeiture and Money Laundering Section, Criminal Division, U.S. Department of Justice. Our telephone number is (202) 514-1263.

Chief ..... *Gerald E. McDowell*
Deputy Chief and Senior Counsel to the Chief ..... *Allen Carver, Jr.*
Assistant Chief ..... *Stefan D. Cassella*
Editor ..... *Denise A. Mahaley*
Indexer ..... *Belitue Gebeyehou*
Designer ..... *Denise A. Mahaley*
Production Manager ..... *Belitue Gebeyehou*

Your forfeiture cases, both published and unpublished, are welcome. Please fax your submission to the editor at (202) 616-1844 or mail it to:

Quick Release
Asset Forfeiture and Money Laundering Section
Criminal Division
U.S. Department of Justice
1400 New York Avenue, N.W.
Bond Building, Tenth Floor
Washington, D.C. 20005

was required to forfeit the present value of the motor home, notwithstanding the appreciation in its value since 1996. (The court noted in *dicta* that, if the motor home had *depreciated* in value, Defendant would still have be liable to forfeit the full purchase price—*i.e.*, the value of the cash involved in the offense.)

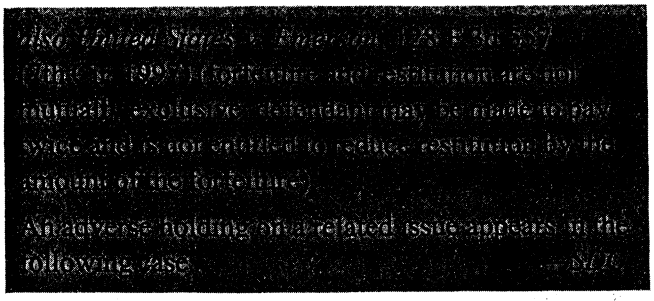
Finally, Defendant argued that he had returned some of the misappropriated funds to the victim, and that he was therefore entitled to a reduction in the money judgment to reflect that. The court agreed. While the laundered proceeds are subject to forfeiture in their entirety, the court held, the defendant is entitled to a credit for the funds that he returned to the victim. Accordingly, the court remanded the case to the district court to reduce the amount of the money judgment by the purchase price of the motor home and the amount returned to the victims. —*SDC*

United States v. Hawkey, ___ F.3d ___, No. 97-3248, 1998 WL 331182 (8th Cir. June 24, 1998). Contact: AUSA Gregg Perterman, ASDR01(gpeterma).

Comment: There is much to celebrate in this opinion, but overall it is a mixed result. Most important, the Eighth Circuit joins the Fifth and Tenth Circuits in holding that money laundering forfeitures extend to property that was used to facilitate the laundering offense. *See United States v. Tencer*, 107 F.3d 1,120 (5th Cir. 1997); *United States v. Bornfield*, ___ F.3d ___, 1998 WL 239265 (10th Cir. May 13, 1998). Also, the court's holding that "traceable property" includes the appreciated value of property otherwise subject to forfeiture is a landmark decision that clearly extends beyond the context of money laundering forfeitures. This case may be applied, for example, to a situation where drug proceeds are invested in stocks, real property, or a business that appreciates in value due to market conditions or the defendant's efforts—*i.e.*, "sweat equity"—or the investment of additional capital. In such a case, the appreciated value of the property would be subject to forfeiture in full, under 21 U.S.C. §853(a), as property traceable to the underlying drug offense.

More troubling is the court's analysis of what property is "involved in" a section 1957 offense, that consists of the purchase of a consumer item with criminal proceeds. We have always assumed that both the purchase money and the consumer item were "involved in" the offense and that both were subject to forfeiture. In other words, if two defendants commit a section 1957 offense by agreeing to exchange gold for drug money and both are convicted, both the gold and the cash are subject to forfeiture as property involved in the offense. In this case, however, the court, looking at the matter solely from the perspective of a single defendant, considers only the purchase money to be involved in the offense and treats the consumer item—the motor home—as "traceable property." We have no disagreement with the conclusion that, in single-defendant cases, the Government may not forfeit the consumer item *and* obtain a money judgment for the value of the purchase money. Forfeiting one or the other *from a single defendant* seems fair. Generally, we would forfeit the consumer item but, as the court holds, could instead obtain a money judgment if the consumer item has depreciated in value. But we would be concerned if the court's analysis were applied in a multi-defendant case to suggest that the Government could not forfeit both the cash and the item it was used to purchase because, as the court appears to suggest, the forfeiture of property involved in the offense and property traceable thereto are somehow mutually exclusive.

Finally, the court's conclusion that the defendant is entitled to credit for the amount returned to the victims appears to be incorrect. Other courts hold that under section 982, the defendant must forfeit all property involved in the laundering offense—meaning all criminal proceeds laundered—without deduction for the amount victims were able to recover through civil litigation. *See United States v. Peluso*, 961 F. Supp. 736 (D.N.J. 1997). That makes sense, because the forfeiture, at least in a criminal case, is intended as a measure of the seriousness of the money laundering offense. Two defendants who launder $10,000, for example, commit the same offense and merit imposition of the same punishment—*i.e.*, forfeiture of $10,000—irrespective of whether one of them returned half the money to the victims, and the other, did not. *See*



Money Laundering / Substitute Assets

- **The defendant in a money laundering sting is liable for the full amount laundered, but is entitled to a credit for the amount of sting money recovered by the Government.**

Undercover agents gave Defendants $832,000 in "sting" money to launder in several transactions. Defendants laundered the money as instructed, returning $777,210 to the agents and keeping $54,790 as their commission.

Defendants were convicted of a section 1956(h) conspiracy and were ordered to forfeit the full $832,000 as the amount "involved in" the offense. The court found, however, that $777,210 of the judgment was already satisfied, in that the Government had recovered the sting money. Thus, Defendants were required to pay only an additional $54,790.

The Government argued that the purpose of a money judgment is to punish the defendant by forcing him to pay a penalty equal to the amount involved in the offense, irrespective of whether the Government has recovered part of the money. The court agreed that a convicted money launderer is liable to pay a money judgment for the entire amount laundered in a sting case, but it held that, because the purpose of the forfeiture is only to make sure the defendant does not retain any laundered funds, he is entitled to a credit for the amount the Government recovered. "Since the forfeiture laws are aimed at depriving the offender of the property used in or derived from the offense, once the [G]overnment has that property, it cannot obtain the equivalent substitute for it from the defendant. Simply put, the [G]overnment can only satisfy its forfeiture judgment once."

Accordingly, the court entered a judgment making Defendants jointly and severally liable for $832,000 but held that the order was already satisfied except for the amount of $54,790, which the Government was directed to recover by executing on the defendants' other assets. —*SDC*

United States v. Leos-Hermosillo, Crim. No. 97-CR-1221-BTM (S.D. Cal. June 19, 1998) (unpublished) Contact: AUSA Robert Ciaffa, ACAS01(rciaffa).

Excessive Fines / Collateral Estoppel

- **The Sixth Circuit, the first court to apply the Supreme Court's recent decision in *Bajakajian,* holds that *Austin v. United States* is still good law and that forfeitures of real property in drug cases are still subject to Eighth Amendment analysis.**

- **Applying *Bajakajian,* the court holds that the forfeiture of a residence is not "grossly disproportional" where the property was used for a sophisticated, ongoing marijuana-grow operation.**

- **The doctrine of collateral estoppel bars a claimant from challenging the validity of a state search warrant in a**

federal civil forfeiture proceeding, where the identical challenge in Claimant's state criminal prosecution was rejected.

- **Claimant's guilty plea to the criminal charges in state court is sufficient, by itself, to establish probable cause for federal forfeiture of property used to facilitate the offense.**

Claimant ran a marijuana-grow operation at his residence. When he was arrested by state authorities and charged with various state offenses, Claimant moved to suppress certain evidence on the ground that the search warrant used for the search of his house was invalid. When the state court rejected the suppression motion, however, Claimant pled guilty to the state offense.

Meanwhile, the United States adopted the forfeiture and filed a civil action against the residence under 21 U.S.C. § 881(a)(7). In the federal action, Claimant attempted to relitigate the validity of the state search warrant and claimed that, without the information obtained pursuant to that warrant, the Government lacked probable cause for the forfeiture. Claimant also challenged the forfeiture of his residence under the Excessive Fines Clause of the Eighth Amendment. The **Sixth Circuit** affirmed the forfeiture on all grounds.

First, the court ruled that Claimant was barred from attempting to relitigate the validity of the seizure warrant by the doctrine of collateral estoppel. The issue regarding the validity of the warrant was identical in the state proceeding, it was actually litigated in that proceeding, and Claimant had a full and fair opportunity to litigate it. Therefore, Claimant could not challenge the validity of the warrant again in the federal forfeiture case.

Claimant argued that the doctrine of collateral estoppel should not apply where the parties in the earlier proceeding were not the same as the parties in the present proceeding. The United States, he noted, was not a party to the state criminal case. But the court dismissed this argument in a footnote, observing that the United States was not the party against whom estoppel was asserted, and thus need not have been a party to the state proceeding.

The court also held that, even if Claimant were correct and all of the evidence obtained as a result of the state search and seizure were suppressed, the Government would still have probable cause for the forfeiture based on the Claimant's state guilty plea. In pleading guilty, the court noted, Claimant admitted all of the facts necessary to establish a basis to believe that the real property was involved in a marijuana-grow operation and was therefore subject to forfeiture under section 881(a)(7).

With respect to the Excessive Fines argument, the court first examined the Supreme Court's recent decision in *United States v. Bajakajian,* ___ U.S. ___, 118 S. Ct. 2028 (1998). Notwithstanding contradictory language in the Supreme Court's opinion, which calls into question whether the Eighth Amendment applies to the forfeiture of facilitating property in drug cases, the **Sixth Circuit** held that *Austin v. United States*, 509 U.S. 602 (1993), is still good law and that the forfeiture of real property under section 881(a)(7) therefore must be subjected to an Eighth Amendment analysis.

Applying that analysis, as it was articulated in *Bajakajian,* the panel found that the forfeiture of a residence worth $220,000 was not excessive in comparison with what the maximum fine would have been if Claimant had been prosecuted for the marijuana-grow violation in federal court—*i.e.*, $250,000. Moreover, the panel stressed that the property was involved in a "sophisticated, ongoing" operation. Given that relationship between the property and the offense, the court said, there was no "gross disproportion between the value of the property and the gravity of the offense." —*SDC*

United States v. Real Property Known as 415 East Mitchell Ave., ___ F.3d ___, No. 97-3642, 1998 WL 400051 (6th Cir. July 20, 1998). Contact: AUSA James M. Coombe, AOHSC01(jcoombe).

Pretrial Restraint / Substitute Assets

- **District court rules that 21 U.S.C. § 853(e) does not authorize the pretrial restraint of substitute assets.**

The United States obtained a pre-indictment order, pursuant to 21 U.S.C. § 853(e)(2), restraining the named target of an investigation from using, moving, or otherwise interfering with certain bank accounts. The court then permitted both sides to submit evidence. The Government admitted that the accounts were neither the fruit nor the instrumentality of a crime. The court ruled that section 853(e) does not authorize the pretrial restraint of substitute assets and released the accounts. It sealed this opinion until the target was indicted.

The court's reasoning relies on the plain meaning of the statutory language. Section 853(e) authorizes the restraint "of property described in" section 853(a). Subsection (a) identifies directly forfeitable property. The substitute assets provision is codified at section 853(p). Since section 853(e) mentions only subsection (a) and not subsection (p), it doesn't authorize the restraint of substitute assets. —*BB*

In Re: Account Nos. . . . at Bank One in Milwaukee, ___ F. Supp. ___, No. 97-MISC-63, 1998 WL 385901 (E.D. Wis. Feb. 2, 1998). Contact: AUSA Lennie A. Weber, AWIE01(lweber).

Comment: The Seventh Circuit has not yet ruled on this issue, and the district courts in that circuit are now split. *Compare United States v. Scardino*, 956 F. Supp. 774 (N.D. Ill. 1997) (holding that reference to "subsection (a) property in section 853(e) applies to substitute assets, and stating, in *dicta*, that the same would apply to pretrial restraint under section 853(e)); *United States v. Schmitz*, 156 F.R.D. 136 (E.D. Wis. 1994) (the Government can seize the same property under section 853(p) that it can restrain under section 853(e), since substitute assets can be restrained if they can be seized).

Relation Back Doctrine

- **District court voids attempt by Defendant's partners to convey all partnership assets to a third party in order to defeat Government's attempt to forfeit Defendant's 25 percent interest in the partnership and its assets.**

Defendant was convicted of money laundering and ordered to forfeit his interest in the assets held by a general partnership. Defendant had a 25 percent interest in the partnership, his wife had a 25 percent interest, and the remaining 50 percent was held by a third party.

The partnership's principal asset was a farm in Nebraska. Accordingly, under Nebraska law, when the United States forfeited Defendant's interest in the partnership, it was entitled to a 25 percent interest in the farm. Two weeks after the entry of the preliminary order of forfeiture, however, Defendant's wife and the remaining partner sold the farm to another entity that the wife and the third party controlled. The effect of the sale was to increase the wife's interest in the farm from 25 to 50 percent and to decrease the Government's interest from 25 percent to zero.

The Government filed a motion under 21 U.S.C. § 853(c) (the relation back doctrine) seeking to have the sale of the farm set aside as a fraudulent conveyance. The district court agreed with the Government that the sale of the farm was a sham intended solely to deprive the Government of its 25 percent interest and that the transaction was therefore voidable under section 853(c). The court also held

that, as a matter of state partnership law, the wife and the third partner had no right to sell the partnership's principal asset without the consent of the United States, which held a 25 percent interest in the partnership at the time of the sale. Accordingly, for both reasons, the Government's motion to set aside the sale of the farm was granted. —*SDC*

United States v. Johnston, ___ F. Supp. ___, No. 93-130-CR-ORL-22C, 1998 WL 414211 (M.D. Fla. Jan. 29, 1998). Contact: AUSA Brian Phillips, AFLMO01(bphillip).

Real Property / Division of Marital Interest

- **If real property is subject to forfeiture because of the acts of one spouse and the property is held as a tenancy by the entireties, the entire property will be forfeited to the United States if the "innocent spouse" dies first. But, if the wrongdoer dies first, the innocent owner becomes the owner of the entire property and the United States takes nothing.**

- **State law is used to determine if property is held as a tenancy by the entireties or a tenancy in common.**

Defendant pled guilty to fraud and money laundering charges and agreed to the entry of a $377,000 personal forfeiture money judgment against himself (presumably pursuant to 18 U.S.C. § 982). Unable to locate the $377,000, the United States obtained from the court a substitute assets order to forfeit a house owned by Defendant and his wife as a tenancy by the entireties under Florida law. Defendant's wife filed a petition, pursuant to 21 U.S.C. § 853(n), contesting the forfeitability of the property. The court held that Florida law determines the nature of the tenancy by the entireties and that federal law would then be applied to determine what, if any, part of the property were forfeitable. In an entireties estate, a husband and wife do not each own half; they each have an indivisible interest in the whole. When death occurs, the surviving spouse obtains the property in fee simple. If divorce occurs, the tenancy by the entireties usually devolves into a tenancy in common.

The court explained that, under Florida law, five "unities" must exist in order for a tenancy by the entireties to exist. The Government argued that one of these unities, that the spouses—"must have an equal interest in the whole of the property"—no longer existed, because the Defendant and his wife entered into an agreement whereby Defendant mortgaged his interest in the property to his wife for a $40,000 loan, converting the tenancy by the entireties into a tenancy in common.

The district court stated that, although there was no Florida opinion directly on point, the most analogous Florida case held that, where one spouse conveyed her interest to a third party to secure a loan, the tenancy by the entireties was not destroyed. It therefore held that the entireties estate in the instant case was not destroyed by the creation of the loan and security agreement.

The court next had to determine whether, given its construction of Florida entireties law, any part of the entireties estate was forfeitable. It reviewed precedent, noting that some courts have ruled that an entireties estate which has one innocent spouse was not forfeitable. However, it decided to follow the contrary holding of other courts, particularly the Third Circuit, and declared that:

> the [G]overnment is entitled to the forfeiture of Mr. Lee's interest in the entireties property . . . but . . . Mrs. Lee may retain full and exclusive use during her life, with protection against any alienation without her consent or any attempt to levy upon her husband's former interest, and the right to obtain title in fee simple absolute should Mr. Lee predecease her.

On the other hand, should the wife die first, the Government would get title to the property. —*BB*

United States v. Lee, ___ F. Supp. ___, No. 93-10075, 1998 WL 419759 (C.D. Ill. July 22, 1998). Contact: AUSA Esteban F. Sanchez, AILC01(esanchez).

Probable Cause / Currency Seizure / Dog Sniff

- **Forfeiture granted after bench trial for money seized at airport where: Claimant fit courier profile, gave an implausible explanation, made a "myriad" of inconsistent statements, drug dog alerted, and Claimant failed to show up for trial.**

Drug Enforcement Administration (DEA) agents observed Claimant approach the airline ticket counter with only a carry-on bag. She appeared nervous, and at the counter purchased a one-way ticket to Houston, a known source city for narcotics, with cash. Agents noticed that she was carrying a large amount of cash and proceeded to interview her. Claimant stated that she was going to Houston for about two months to visit friends. She further consented to a search of her carry-on bag and her person.

Agents further requested that she remove her shoes, which revealed that she was carrying a large sum of money in each shoe. The money was wrapped in rubber bands and was, according to the court, comprised of denominations consistent with the manner in which money is handled by narcotics traffickers. Claimant stated that she had counted the money before leaving home and had around $5000; however, agents found $9,135. A narcotics detector dog "clearly alerted" to the money.

The court noted the "myriad of inconsistencies" evident in Claimant's explanation to the agents as to the source of the money and the duration of her stay in Houston. Significantly, the court found as incredible her failure to account for the difference between the two sums. The court noted that this discrepancy was consistent with the explanation that the money seized at the airport likely did not belong to her.

The court also addressed the proposition apparently asserted by Claimant's attorney that "all money has cocaine on it," and the court stated that the record indicated that the dog had been tested during training on numerous occasions and does not simply alert to money that has been in circulation. Noting finally that Claimant failed to appear at trial, the court stated that, if Claimant had an honest stake in the currency, she would have appeared and offered evidence to support her position. —*JRP*

United States v. $9,135.00 in U.S. Currency, No. CIV-A-97-0990, 1998 WL 329270 (E.D. La. June 18, 1998) (unpublished). Contact: AUSA Larry Benson ALAE01 (lbenson).

Probable Cause / Currency Seizure / Dog Sniff

- **Positive dog sniff, concealment of currency in a gas tank, and unusual packaging of currency provide evidence sufficient to establish probable cause to forfeit currency seized during a traffic stop as drug proceeds.**

- **Court bifurcates forfeiture action into two stages—a probable cause hearing and a merits stage before a jury.**

Oklahoma Highway Patrol officers stopped an extended-cab pickup truck for a routine traffic

violation. Though neither occupant spoke English, the trooper was able to determine that the driver had a Mexican driver's license and border crossing documents.

The trooper recalled from his narcotics training that extended cab trucks are often used in drug trafficking because they have large gas tanks with a large opening through which items can be placed. Thus, the trooper called for a drug dog, which alerted on the passenger-side door seam. When the troopers thereafter conducted a full search of the interior and exterior of the truck, they found several plastic bundles of money in the gas tank. Eleven bundles, containing $189,825, were wrapped in three layers of cellophane, vacuum packed, and heat sealed.

When a Spanish interpreter arrived, both occupants stated that they had returned from St. Louis after seeing a baseball game, and they had been paid $100 in gas money to drive the truck and meet the owner. They denied any knowledge of the money. The trooper also determined that the truck had crossed the U.S.-Mexican border at Laredo several days before.

The United States adopted the forfeiture and filed a civil action against the money. The district court bifurcated the case into two stages— the probable cause evidentiary hearing, and if necessary, a merits stage before a jury—and held that the Government had presented sufficient evidence to establish probable cause.

The court determined that the Government did not have probable cause to seek forfeiture of the currency under 31 U.S.C. § 5317(c) (transporting across a United States border currency in excess of $10,000 without filing a CMIR) because it had not presented any evidence establishing that the currency—as opposed to the truck—was ever in Mexico. However, the court held that the Government did establish probable cause to forfeit the currency under 21 U.S.C. § 881(a)(6) as proceeds of a drug transaction. The court found as significant, in order of priority, that: (1) the money was hidden in the gas tank; (2) Mexico is a known transit zone for drugs; (3) several drug courier characteristics were present: the occupants-claimants did not own the truck and disavowed any knowledge of the currency when it was found in the gas tank; (4) the large amount of currency involved; (5) the hit by the canine dog; and (6) the unique packaging of the currency. Thus, the court stated that it would proceed with a jury trial to allow the claimants to establish that the currency was not subject to forfeiture. —*JRP*

United States v. $189,825.00 in U.S. Currency, ___ F. Supp. ___, No. 96-CV-1084-J, 1998 WL 309228 (N.D. Okla. June 3, 1998). Contact: AUSA Catherine J. DePew, AOKN01(cdepew).

Notice / Currency Seizure

- **A seizing agency is under no obligation to send personal notice of an administrative forfeiture to a person who has already denied ownership of the property.**

Local police stopped Plaintiff in a grocery store parking lot and seized bags containing $600,000 in currency from his vehicle. Plaintiff immediately denied ownership of the bags, asserting that he was merely a courier for one "Jiro," later identified as Daniel Acero.

The U.S. Customs Service (USCS) adopted the forfeiture and sent notice to Acero, but did not send notice to Plaintiff. The USCS also published notice of the seizure in the local newspaper. When no one filed a claim, the USCS administratively forfeited the currency.

Subsequently, Plaintiff filed a civil action against the USCS to recover the money. He claimed that his right to due process was violated when the USCS failed to send him personal notice. The district court rejected the due process argument and dismissed the complaint.

A seizing agency, the court held, is under no obligation to send personal notice of an administrative

forfeiture to a person who has already denied ownership of the property. In light of Plaintiff's denial of ownership, the USCS acted reasonably in sending notice only to Acero and publishing the notice in the newspaper. The newspaper publication gave Plaintiff constructive notice of the forfeiture, to which, in the circumstances, was all the notice he was entitled.

—*SDC*

Arango v. United States, No 97-C-8813, 1998 WL 417601 (N.D. Ill. July 20, 1998) (unpublished).

Notice / Administrative Forfeiture / Rule 60(b)

- **Rule 60(b) motion granted for reconsideration of adequacy of notice for administrative forfeiture in light of Second Circuit's recent *Weng* ruling requiring actual delivery of notice to prisoners.**

Plaintiff moved for reconsideration of the denial of his motion for return of administratively forfeited property. The motion for return asserted that the Government's notice of seizure for administrative forfeiture had been inadequate to satisfy due process. Relying in part on *Hong v. United States*, 920 F. Supp. 311, 316 (E.D.N.Y. 1996), the court originally had ruled that the Government's publication of notice in *USA Today* and its notices via certified mail with return receipt requested to Plaintiff's numerous known addresses, including his prison address, had been reasonably calculated to notify Plaintiff of the administrative forfeiture proceedings and thus had been adequate to satisfy due process, even if the prisoner-owner had never personally received notice. However, the court acknowledged that its original ruling had been made very shortly after the **Second Circuit** had established a stricter standard requiring actual delivery of such notices to prisoner-owners. *See Weng v. United States*, 137 F.3d 709 (2d Cir. 1998) (summarized in the April 1998 issue of *Quick Release*).

Liberally construing Plaintiff's *pro se* submissions, the court found that the plaintiff had sufficiently alleged that he never personally received notice and that thus, under the new *Weng* standard, a question of fact concerning the adequacy of notice for due process purposes remained unresolved. Consequently, pursuant to Fed. R. Civ. P. 60(b), the court granted Plaintiff's motion for reconsideration, vacated its prior ruling concerning the adequacy of notice, and stated its intention to schedule an evidentiary hearing concerning actual delivery. —*JHP*

United States v. Aguilar, ___ F. Supp. ___, No. 3:97-CV7-68-WWE, 1998 WL 327615 (D. Conn. June 4, 1998). Contact: AUSAs David J. Sheldon, ACT01(dsheldon), and David X. Sullivan ACT01(dsulliva).

Administrative Forfeiture / *Good* Violation / Delay /

- **Contract to purchase real property gave Plaintiff an interest in real property under state law; Plaintiff was thus entitled under *James Daniel Good* to notice and an opportunity for a hearing, prior to the Government having a developer sell the property to another and release the sale proceeds to the Government for forfeiture.**

- **Remedy for absence of hearing before seizure of real property is to require the Government to account for the amount of the profits or rent denied to Claimant during the period of illegal seizure.**

- **Particularized narrative of alleged illegal acts is not required for notice of administrative forfeiture proceedings to be adequate.**

- **In determining whether delay of forfeiture proceedings violated process under the four-factor test of *United States v. $8,850,* the length of the delay is measured from the time when the owner is deprived of his property, not from the time when the seizing agency takes custody and sends notice of seizure.**

- **Administrative forfeiture need not be overturned for inadequate notice efforts by the Government if claimant had actual notice.**

- **Remedy for inadequate notice in administrative forfeiture is judicial determination on the merits.**

Plaintiff was arrested in 1991 for drug smuggling and was subsequently convicted and sentenced to over 20 years imprisonment. In 1992, the Assistant U.S. Attorney (AUSA) and Customs agents obtained a warrant for the seizure of real property for which plaintiff held a purchase contract. Plaintiff had paid $150,000 for the contract to buy the real property from a developer who retained title. The AUSA entered into an agreement with the developer under which the developer sold the property to another buyer and turned the proceeds over to the Government for forfeiture. Plaintiff was not notified of the warrant, the agreement, the sale, or the seizure of the sale proceeds at that time.

The proceeds of the sale remained with the U.S. Marshals Service (USMS) until 1994, when the AUSA advised the U.S. Customs Service (USCS) that he would not file a judicial forfeiture. The following month, the USCS sent the plaintiff a notice of the administrative forfeiture proceeding against the sale proceeds, which the USMS had turned over to the USCS in the form of a Treasury check. Plaintiff responded to the notice by acknowledging an interest of approximately the same amount in real property but disclaimed any interest in the Treasury check. The USCS subsequently forfeited the Treasury check administratively.

The USCS also seized cash and several other items of Plaintiff's personal property during the summer of 1991 and attempted to provide notices of the several separate administrative forfeiture proceedings against such property by certified mail to Plaintiff's residence. Some agents were aware that Plaintiff had moved some two years earlier, and Plaintiff was, in any event, in federal prison at the time of the mailings. The U.S. Postal Service forwarded the notices to the plaintiff's moving address. The record showed that one of these personal property notices eventually reached Plaintiff in prison via a relay through Plaintiff's friends and attorneys. Absent responses from the plaintiff, the USCS administratively forfeited Plaintiff's personal property.

The plaintiff subsequently moved *pro se* for the return of all of his forfeited property under Fed. R. Crim. P. 41(e) and brought a *Bivens* suit against the AUSA and the agents involved. The plaintiff asserted that they had conspired to deprive him of adequate notice of the forfeiture proceedings against his property in violation of due process. The district court found no due process violations and dismissed the actions. The plaintiff appealed.

On appeal, the **Tenth Circuit** pointed out that, because the plaintiff had failed to contest the forfeiture through the appropriate administrative and judicial procedures, its jurisdiction was based, not on Rule 41(e), but on federal question jurisdiction under 28 U.S.C. § 1331 for the limited purpose of considering whether the administrative forfeitures at issue were procedurally defective on due process grounds. *See United States v. Dennino*, 103 F.3d 82, 84-85 (10th Cir. 1996).

Pertaining to the real property, the panel found that, contrary to the district court's finding, the fact that the developer had maintained legal title to the property did not place the property outside the rule of *United States v. James Daniel Good Real*

Property, 510 U.S. 43 (1993) (absent exigent circumstances, due process requires the Government to afford notice and meaningful opportunity to be heard before seizure of real property subject to civil forfeiture). The panel pointed out that, under the law of the state where the real property was located, a person who has contracted to purchase real estate holds an interest in real estate and is treated as an owner. Accordingly, the court held that the sale of the real property without an opportunity for a hearing or the presence of exigent circumstances amounted to a government seizure that had violated Plaintiff's due process rights.

The court noted, however, that the illegality of a seizure does not necessarily invalidate a forfeiture and that in order to contest the forfeiture itself, a claimant must demonstrate a procedural flaw in the forfeiture action and prejudice to his substantial rights. The plaintiff argued that, although he had received timely notice of the forfeiture of the real estate proceeds, the content of the notice was deficient in that it failed to specify the source of the amount being forfeited or to detail the illegal acts for forfeiture. He also argued that the almost two-year delay between the seizure of the real property and the forfeiture proceedings violated his due process rights pursuant to *United States v. $8,850 in U.S. Currency*, 461 U.S. 555, 564-65 (1983) (establishing four-factor test for determining due process violations from delays in instituting forfeiture proceedings against seized property: length of delay; reason for delay; the claimant's assertion of his right to a hearing; and prejudice to the claimant's ability to defend against forfeiture).

The **Tenth Circuit** stated that it was apparent from the record that the plaintiff was aware that the amount in the notice of the proceedings against the Treasury check represented the proceeds from the sale of his real property interest. The panel also stated that it found no case law to support Plaintiff's suggestion that a particularized narrative of allegedly illegal acts should be required in notices of administrative forfeiture proceedings. The court specifically declined to adopt such a rule and upheld the district court's ruling that the plaintiff had received constitutionally adequate notice of the administrative forfeiture of the proceeds of his real property. However, the panel found that the two-year length of the delay between the seizure and the forfeiture proceeding was sufficient to require consideration of the remaining *$8,850* factors by the district court and remanded for that purpose. The panel pointedly rejected the Government's "disingenuous argument" that there had been no delay between the seizure of the real property proceeds by the USCS and the administrative forfeiture. The court pointed out that, although the USCS may have acted promptly after it received the proceeds amount from the USMS in 1994, the plaintiff had been stripped of his real property rights by the 1992 sale.

Because it did not determine whether the two-year delay amounted to a due process violation, the **Tenth Circuit** did not reach the issue of what remedy, if any, would be appropriate. However, for the *Good* violation stemming from the effective seizure of plaintiff's real property without an opportunity for a pre-seizure hearing and without exigent circumstances, the panel directed the district court to determine the length of the period of the illegal seizure and to require the Government to account for the amount of the profits or rent denied to Plaintiff during that time.

In regard to the plaintiff's personal property, the **Tenth Circuit** pointed out that when the Government is aware that an interested party is incarcerated, due process requires the Government to make an attempt to serve him with notice in prison. *United States v. Clark*, 84 F.3d 378, 381 (10th Cir. 1996). However, the court also pointed out that there is no need to overturn an administrative forfeiture for a claimant who had actual notice, despite inadequate efforts by the Government. *See United States v. Rodgers*, 108 F.3d 1247, 1254-55 (10th Cir. 1997). The panel found that the record indicated that only one of the personal property notices mailed by the USCS had been relayed to the plaintiff in prison and that the record was unclear concerning what additional actual notice the plaintiff may have received through some other means of communication. Consequently, the **Tenth Circuit** remanded for

further proceedings for findings of fact concerning the plaintiff's knowledge of the pending administrative forfeitures before their completion and directed that, if necessary, the district court "may proceed to an evaluation of the merits of [P]laintiff's arguments as to why the property is not subject to forfeiture." The court stated that it would serve no purpose to upset the forfeitures for procedural faults if the plaintiff has no basis for return of the property. *See Dennino*, 103 F.3d at 86.

The **Tenth Circuit** affirmed the district court's dismissal of plaintiff's *Bivens* action against the prosecutors and agents based upon absolute and qualified immunities from civil liability. In particular, the panel found that the agreement with the developer for the sale of the plaintiff's real property interest without affording the plaintiff an opportunity for a pre-seizure hearing had not violated clearly established statutory or constitutional rights when it was made in 1992. The panel pointed out that the Supreme Court had explained the due process rights of real property owners only subsequently in the *Good* decision in 1993. Consequently, the AUSA was entitled to qualified immunity from liability for the *Good* violation. —*JHP*

Juda v. Nerney, ___ F.3d ___, Nos. 97-2192, 97-2326, 1998 WL 317474 (10th Cir. June 16, 1998) (unpublished) (Table). Contact: AUSA Stephen R. Kotz, ANM01(skotz).

Comment: Another concern in this case is that the forfeiture of the proceeds of the sale of the real property should not have been done administratively. The contract to purchase the real property was an interest that could only have been forfeited judicially under the Government's forfeiture policies for interests in real property. —*RDS*

Claim and Answer / Delay

- **A putative claimant must demonstrate mitigating circumstances to overcome the failure to timely notify the court of its interest in seized property.**

On April 15, 1998, the Government filed a complaint alleging that a certain medical device was "adulterated" within the meaning of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 352(f)(1)(B), and within two days seized 28 units from the manufacturer. On April 20, attorneys representing the manufacturer contacted counsel at the Food and Drug Administration (FDA), and, two days later, told the FDA that the manufacturer would probably "let the seizure go by default." Notice of the seizure was published on April 24.

In early May, after expiration of the filing deadline, the manufacturer retained different legal representation. Negotiations between new counsel and the Government ensued over a 20-day period. Finally, on May 29, the Government filed a motion for a default decree of condemnation and destruction. Three days later, the manufacturer moved for an extension of time to file a claim and requested that the district court reject the Government's request for destruction of the seized property.

Rule C of the Supplemental Rules requires that all claims in civil forfeiture cases be filed within ten days after the execution of process. If no claim is filed, the putative claimant lacks standing unless he can demonstrate mitigating circumstances. In the instant case, the manufacturer urged the court to act with "equity and justice" by granting an extension due to the manufacturer's assertion that the Government knew of its interest in the property and would not be prejudiced by the additional time if allocated, and because good faith negotiations had been pursued. Counsel for the manufacturer relied, however, on case law in which claims were actually filed, albeit in an untimely manner. Distinguishing these cases, the

district court noted that, although the Government may have knowledge of a putative claimant's interest prior to the filing of a claim, the court knows nothing of the claim unless and until a claim is actually filed. The reason for placing a deadline on the filing of claims is to force claimants to demonstrate an interest in the seized property as soon as possible after initiation of the forfeiture. When the court is not made aware of putative claimants within a short period of time, the policy underlying the restriction is not served. Accordingly, the court denied the manufacturer's request, as it failed to demonstrate mitigating circumstances that would explain a failure to timely file a claim or in any manner notify the court of its interest for longer than a month after expiration of the filing deadline. —*WJS*

United States v. 12 Units of an Article of Device, No. 98-C 2318,1998 WL 409388 (N.D. Ill. July 13, 1998) (unpublished).

Discovery

- **Civil forfeiture action dismissed where Claimants have notice of discovery but ignore the Government's motions for discovery and the court's orders to produce discovery.**

The United States filed a civil forfeiture action and served claimants with the verified complaint, the warrant for arrest, and the United States' first set of interrogatories and document demands by certified mail. One claimant filed a document claiming an ownership interest on behalf of himself and another individual. Claimants did not appear at the initial scheduling conference nor did they provide a reason for their failure to appear. The court then granted the United States' motion to compel Claimants to answer the first set of interrogatories. The court's order explicitly warned Claimants that their failure to comply would result in a recommendation that their claims be dismissed pursuant to Fed. R. Civ. 37. After five months with no response from Claimants, the United States informed the court that Claimants neither responded nor complied with the court's order and moved for an order imposing the Rule 37 sanctions.

Rule 37(c)(1) authorizes a court to impose an "appropriate sanction" when a party "without substantial justification" fails to disclose information during discovery. Such sanctions may include, among other things, dismissal of the action. Fed. R. Civ. P. 37(b)(2)(C). The court employed a four-part test in determining whether the dismissal of the claim was warranted: (1) the party's history of noncompliance; (2) whether the party had sufficient time to comply; (3) whether the party had received notice that further delays would result in dismissal; and (4) the extent of prejudice to the adverse party from the noncompliance. Additionally, dismissal for failure to obey discovery orders is generally appropriate only when the party's actions are the result of willfulness, bad faith, or culpability. The court made findings that: Claimants consistently ignored the orders of the court to comply with discovery; Claimants had more than sufficient time to comply; Claimants had notice by mail of all motions and orders; and the Government had expended time and money to comply with the court's requirements in prosecuting the case. The court dismissed the claims. —*MML*

United States v. $121,670 in U.S. Currency, No. 97-CV-93 (EHN)(RML) (E.D.N.Y. June 26, 1998) (unpublished). Contact: AUSA Stacey A. Gordon, ANYE12(sgordon).

Laches

- **Waiting over 5½ years to file a claim for return of forfeited currency**

without reasonable explanation is barred by the doctrine of laches.

On April 3, 1992, Plaintiff was arrested by the Drug Enforcement Administration (DEA) for federal narcotics violations. During the arrest, the DEA seized $11,000 that was on Plaintiff. The currency was administratively forfeited by June 1992. More than 5½ years later, Plaintiff filed a *pro se* lawsuit to recover the currency, asserting that the Government forfeited his property without providing him with notice and a hearing in violation of his Fifth and Fourteenth Amendment rights.

The court discounted Plaintiff's arguments and granted the United States' motion for summary judgment because Plaintiff's complaint was barred by the doctrine of laches. In reaching its holding, the court reasoned that, because Plaintiff relied upon the equity jurisdiction of the court, the doctrine of laches is implicated. Further, the court noted that the Sixth Circuit presumption that a claim will not be barred if the statute of limitations period has not run is not applicable to the instant case, since there is no authority establishing a shorter limitations period for the equitable return of property.

The court concluded the Government had met both prongs of the doctrine of laches analysis. First, the court held Plaintiff was unreasonably delayed in bringing his claim. The court noted that Plaintiff knew of the seizure from the moment the currency was seized. In addition, the court discounted Plaintiff's argument that his incarceration prevented him from filing his claim as belied by the fact the instant claim was filed while Plaintiff was incarcerated. Second, the court held the United States was materially prejudiced by the delay because the Government is now barred from instituting a judicial forfeiture proceeding since the statute of limitations period has expired. —*HSL*

Ealy v. United States Drug Enforcement Agency, No. 97-CV-60289-AA (E.D. Mich. July 8, 1998) (unpublished). Contact: AUSA Carolyn Bell-Harbin, AMIE02(cbellar).

Certificate of Reasonable Cause

- **Courts generally look to the moment of seizure to determine whether reasonable cause exists to grant a certificate of reasonable cause.**

The district court dismissed a civil forfeiture action against millions of dollars worth of funds and real property for lack of jurisdiction, because the subject properties were not located in the district and were not proceeds of any criminal prosecution then pending in the district.

After the judgment was entered, the Government filed a motion for a certificate of reasonable cause. Section 2465 of Title 28 provides that, upon the entry of judgment for Claimant in a forfeiture proceeding, "if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and Claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution." Claimants opposed the motion based upon various legal grounds.

The district court granted the certificate. Courts generally look to the moment of seizure, the court said, to determine whether reasonable cause exists to grant the certificate. The fact that the case presented complex legal issues and was ultimately dismissed, the court said, should not be used to cast doubt upon the reasonable cause asserted in the Government's amended complaint. The amended complaint alleged that the defendant: (1) entered a plea agreement admitting his guilt of marijuana trafficking; (2) owned, acquired, or improved the properties worth millions of dollars; (3) lacked legitimate income; and (4) failed to disclose his interest in the properties as required by his plea agreement. —*MLC*

United States v. Any and All Funds, No. CIV-A-93-3599, 1998 WL 411382 (E.D. La. July 16, 1998) (unpublished). Contact: Trial Attorney Michele Crawford, AFMLS, CRM20(mcrawfor).

Telemarketing

- **Congress enacts new criminal forfeiture statute for the proceeds and facilitating property involved in telemarketing fraud.**

On June 23, 1998, the Telemarketing Fraud Prevention Act of 1998, Pub. L. No. 105-184, 112 Stat. 520 (1998), amended 18 U.S.C. § 982 by adding a new criminal forfeiture provision at section 982(a)(8). The new provision provides forfeiture authority for violations of certain existing fraud statutes, including mail and wire fraud, where the facts of the violation involve "telemarketing" as defined in 18 U.S.C. §2325(1). That statute defines "telemarketing" as:

> a plan, program, promotion, or campaign that is conducted to induce:
>
> (A) purchases of goods or services, or
>
> (B) participation in a contest or sweepstakes, by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant.

Section 2325 specifically excludes from the definition of "telemarketing" the solicitation of sales by means of mailed catalogs that: are issued at least annually, contain multiple pages of descriptive written material or illustration of the goods or services offered, and contain the business address of the seller, "if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take [*sic*] orders without further solicitation." 18 U.S.C. § 2325(2).

The fraud statutes to which the new section 982(a)(8) applies, if the offense involves "telemarketing," are 18 U.S.C. §§ 1028 (fraud and related activity in connection with identification documents), 1029 (fraud and related activity in connection with access devices), 1341 (mail fraud), 1342 (fictitious name or address for mailings), 1343 (fraud by wire, radio, or television), 1344 (bank fraud), and conspiracy to commit such offenses. The new measure provides for the criminal forfeiture of:

> . . . any real or personal property—
>
> (A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and
>
> (B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.

18 U.S.C. § 982(a)(8).

The new legislation provides procedures for such criminal forfeitures by amending section 982(b)(1)(A) to include a cross reference to 21 U.S.C. § 853 for section 982(a)(8) cases. It also corrects an error in an earlier Act of Congress by redesignating the second section 982(a)(6) (criminal forfeiture for immigration offenses) as section 982(a)(7).

Civil forfeiture of property involved in fraud offenses that involve telemarketing is not included in the new legislation. However, proceeds traceable to sections 1028 and 1029 offenses are forfeitable civilly under 18 U.S.C. 981(a)(1)(C) and criminally under 18 U.S.C. § 982(a)(2)(B), whether or not the offense involves telemarketing activity. Similarly, proceeds traceable to section 1341, 1343, and 1344 offenses "affecting a financial institution" are forfeitable civilly under 18 U.S.C. § 981(a)(1)(C) and criminally under 18 U.S.C. § 982(a)(2)(A), independent of telemarketing activity. Also, the new 18 U.S.C. §1029(c)(1)(C), enacted April 24, 1998, by the Wireless Telephone Protection Act, Pub. L. No. 105-172, 112 Stat. 53 (1998), provides for criminal forfeiture of "any personal property used or intended to be used" to commit any offense under section 1029. Finally, civil forfeiture of the proceeds of section 1028, 1029, 1341, 1343, and 1344 offenses

may also be accomplished under 18 U.S.C. § 981(a)(1)(A), independent of telemarketing activity whenever the proceeds of such offenses were involved in a money laundering offense. —*JHP*

Quick Notes

■ Burden of Proof

A district court in Massachusetts holds that the standard of proof in RICO forfeiture cases is "preponderance of the evidence." The court followed First Circuit precedent in section 853 cases in holding that criminal forfeiture is "part of the sanction or penalty" and therefore is "traditionally based on preponderance, not proof beyond a reasonable doubt." *See United States v. Rogers*, 102 F.3d 641, 647-48 (1st Cir. 1996).

United States v. Cunningham, Crim. No. 95-30009-FHF (D. Mass. July 8, 1998). Contact: AUSA Richard Hoffman, AMA12(rhoffman).

■ Proceeds

Where agents seized $2,000 in currency from a ski jacket found in a closet in a "safe house" used by drug conspirators, and the money was "folded in a manner consistent with drug trafficking," there was sufficient evidence to support the jury's finding that the money was drug proceeds, as required by 21 U.S.C. § 853.

United States v. Alaniz, ___ F.3d ___, Nos. 97-3189, 97-3299, 97-3300, 97-3395, 97-3604, 97-3605, 1998 WL 331282 (8th Cir. June 24, 1998). Contact: AUSA William Meiners, AMOW01(wmeiners).

■ Contempt / Arrest Warrant *in Rem*

The district court issued an arrest warrant *in rem* against the inventory of a food warehouse that was subject to forfeiture in connection with certain Food and Drug Administration violations. When Claimant violated the warrant by removing certain items, the court ordered the items returned, and directed that Claimant would have to pay the Government $10,000 per item in sanctions, plus attorneys' fees, if there were any future violations. When the Government established a year later that nine items (with a value of less than $5,000) were missing from the inventory, the court ordered claimant to pay $90,000 plus $6,360 in attorneys' fees.

United States v. 910 Cases, More or Less, of an Article of Food, No. 96-CV-3575 (SJ), 1998 WL 339605 (E.D.N.Y. June 22, 1998) (unpublished). Contact: AUSA Linda M. Marino, ANYE12(lmarino).

■ Claim and Answer

A currency courier filed a claim and cost bond contesting the forfeiture of $972,633 in currency that was seized from the automobile he was driving. Claimant did not, however, file an answer, and he failed to respond to the Government's interrogatories. Accordingly, the Government moved to strike the claim, and district court granted the motion for failure to comply with Rule C(6).

United States v. U.S. Currency in the Sum of $972,633, No. CV-97-4961 (CPS) (E.D.N.Y. June 18, 1998) (unpublished). Contact: AUSA Linda M. Marino, ANYE12(lmarino).

■ Notice / Administrative Forfeiture

The Drug Enforcement Administration sent notice of administrative forfeiture to Defendant's prison

address and to his home, as well as to his attorney. "Notice to an attorney who represented the defendant in his then-pending related criminal proceeding satisfies constitutional requirements," the court held. Because the district court's jurisdiction over an administrative forfeiture is limited to a review of the procedural deficiencies, Defendant's Rule 41(e) motion was denied.

United States v. Cruz, No. S2-97-CR-54 (RPP), 1998 WL 326732 (S.D.N.Y. June 19, 1998) (unpublished). Contact: AUSA Martine Beamon, ANYS12(mbeamon).

Introducing Asset Forfeiture Online (AFO)

The Asset Forfeiture Bulletin Board (AFBB) has been renamed Asset Forfeiture Online (AFO). AFO was developed and is maintained by the Asset Forfeiture and Money Laundering Section (AFMLS), Criminal Division, U.S. Department of Justice. **The AFO continues to be an invaluable source of information for federal prosecutors and law enforcement personnel who handle asset forfeiture issues, plus it offers enhanced services and resources***:

- a centrally located Intranet from which you can download motions, briefs, jury instructions, forms, policies, sample indictments, pleadings, case law outlines, and other materials useful to asset forfeiture practitioners;
- graphical user-friendly interface;
- state-of-the-art technology;
- free and easy access;
- quick retrieval of materials;
- full-text search engine providing more relevant materials to the user;
- free client software;
- interactive computer communications providing e-mail capability to the user; and
- a library, distance learning, calendar, information boards, address book, and topical focus area.

To find out more about AFO and how to access this system, contact Morenike Soremekun, system operator, at (202) 307-0265, or Lynda Stroud, AFO assistant, at (202) 305-09595.

*Available features will vary depending on whether you work for the U.S. Department of Justice, non-DOJ federal agencies, or a state or local government agency.

Topical Index

The following is a listing of cases that have appeared in the *Quick Release* during 1998 broken down by topic. The issue in which the case summary was published follows the cite.

The bullet (•) indicates cases found in this issue of *Quick Release*.

Administrative Forfeiture

Hampton v. United States, Nos. Civ-A-96-7829, Crim-A-93-009-02, 1997 WL 799457 (E.D. Pa. Dec. 30, 1997) (unpublished) — Feb. 1998

United States v. Ogbonna, No. CV-95-2100(CPS), 1997 WL 785612 (E.D.N.Y. Nov. 13, 1997) (unpublished) — Feb. 1998

Cruz v. U.S. Secret Service Asset Forfeiture Division, No. 97-CIV-6414 (JGK), 1998 WL 107017 (S.D.N.Y. Mar. 11, 1998) (unpublished) — Apr. 1998

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 119531 (N.D. Tex. Mar. 6, 1998) (unpublished) — May 1998

Freeman v. United States, No. 97-CV-12302-MEL (D. Mass. Apr. 14, 1998) — June 1998

Correa-Serge v. Eliopoulas, No. 95-C-7085, 1998 WL 292425 (N.D. Ill. May 19, 1998) (unpublished) — July 1998

Triestman v. Albany County Municipality, No. 93-CV-1397, 1998 WL 238718 (N.D.N.Y. May 1, 1998) (unpublished) — July 1998

• ***Juda v. Nerney***, ___ F. 3d ___, Nos. 97-2192, 97-2326, 1998 WL 317474 (10th Cir. June 16, 1998) (unpublished) (Table) — Aug. 1998

• ***United States v. Aguilar***, ___ F. Supp. ___, No. 3:97-CV7-68-WWE, 1998 WL 327615 (D. Conn. June 4, 1998) — Aug. 1998

• ***United States v. Cruz***, No. S2-97-CR-54 (RPP), 1998 WL 326732 (S.D.N.Y. June 19, 1998) (unpublished) — Aug. 1998

Administrative Procedure Act

Town of Sanford v. United States, 140 F.3d 20 (1st Cir. 1998), *aff'g on other grounds*, 196 F. Supp. 16 (D. Me. 1997) — May 1998

Admiralty Rules

United States v. $182,980.00 in U.S. Currency, No. 97-CIV-8166 (DLC), 1998 WL 307059 (S.D.N.Y. June 11, 1998) (unpublished) — July 1998

Adoptive Forfeiture

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) — Mar. 1998

United States v. One Parcel of Real Estate Located at 25 Sandra Court, 135 F. Supp. 462 (7th Cir. 1998) — Mar. 1998

In re: U.S. Currency, $844,520.00 v. United States, 136 F.3d 581 (8th Cir. 1998) — Apr. 1998

United States v. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) — Apr. 1998

Adverse Inference

United States v. An Antique Platter of Gold, Civ. No. 95-10537, 1997 WL 812174 (S.D.N.Y. Nov. 14, 1997) (unpublished) — Jan. 1998

Airport Stop

United States v. $13,570.00, No. CIV-A-97-1997, 1997 WL 722947 (E.D. La. Nov. 18, 1997) (unpublished) — Jan. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) — Jan. 1998

United States v. $86,020.00 in U.S. Currency, 1 F. Supp. 2d 1034 (D. Ariz. 1997) — Feb. 1998

United States v. $201,700.00 in U.S. Currency, No. 97-0073-CIV-HIGHSMITH (S.D. Fla. Jan. 5, 1998) (unpublished) — Feb. 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) — Apr. 1998

Alien Smuggling

United States v. Williams, 132 F.3d 1055 (5th Cir. 1998) — Feb. 1998

Ancillary Proceeding

United States v. Holmes, 133 F.3d 918 (4th Cir. 1998) (Table) — Mar. 1998

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Bank Austria), 994 F. Supp. 18 (D.D.C. 1998) — Apr. 1998

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), ___ F. Supp. ___, No. 91-0655 (JHG), 1998 WL 199700 (D.D.C. Apr. 16, 1998) — May 1998

United States v. Cleveland, No. CRIM-A-96207, 1998 WL 175900 (E.D. La. Apr. 15, 1998) (unpublished) — June 1998

United States v. Bennett, ___ F.3d ___, No. 97-30255, 1998 WL 309269 (9th Cir. June 12, 1998) — July 1998

United States v. McClung, ___ F. Supp. ___, No. CRIM-A-97-0031-H, 1998 WL 275821 (W.D. Va. Apr. 27, 1998) — July 1998

Appointment of Trust

United States v. Contents of Brokerage Account No. 519-40681-1-9-524, No. M9-150, 1997 WL 786949 (S.D.N.Y. Dec. 23, 1997) (unpublished) — Feb. 1998

Arrest Warrent *in Rem*

- ***United States v. 910 Cases, More or Less, of an Article of Food***, No. 96-CV-3575(SJ) (E.D.N.Y. June 22, 1998) (unpublished) — Aug. 1998

Attorneys' Fees

U.S. v. All Assets of Revere Armored, Inc., 131 F.3d 132 (2d Cir. 1997) (unpublished) (Table) — Feb. 1998

United States v. Martinson, No. CIV-97-3030, 1998 WL 11801 (E.D. Pa. Mar. 4, 1998) (unpublished) — May 1998

Bailey v. United States, 40 Cl. Ct. 449 (Cl. Ct. 1998) — Apr. 1998

United States v. Saccoccia, Crim. No. 91-115T (D.R.I. May 8, 1998) June 1998

United States v. $515,060.42 in U.S. Currency, ___ F.3d ___, Nos. 95-6579; 96-6057; 96-6175; 97-5016, 1998 WL 260294 (6th Cir. May 26, 1998) July 1998

Awards for Informants

Sarlund v. United States, 39 Cl. Ct. 803 (Cl. Ct. 1998) Mar. 1998

Bankruptcy

Bell v. Bell, 215 B.R. 266 (Bankr. N.D. 1997) Feb. 1998

U.S. v. All Assets of Revere Armored, Inc., 131 F.3d 132 (2d Cir. 1997) (unpublished) (Table) Feb. 1998

United States v. Ladum, 141 F.3d 1328 (9th Cir. 1998) June 1998

Bona Fide Purchaser

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), ___ F. Supp. ___, No. 91-0655 (JHG), 1998 WL 199700 (D.D.C. Apr. 16, 1998) May 1998

United States v. McClung, ___ F. Supp. ___, No. CRIM-A-97-0031-H, 1998 WL 275821 (W.D. Va. Apr. 27, 1998) July 1998

Burden of Proof

United States v. DeFries, 129 F.3d 1293 (D.C. Cir. 1997) Jan. 1998

- *United States v. Cunningham*, Cr. No. 95-30009-FHF (D. Mass. July 8, 1998) Aug. 1998

CMIR

United States v. Ogbonna, No. CV-95-2100(CPS), 1997 WL 785612 (E.D.N.Y. Nov. 13, 1997) (unpublished) Feb. 1998

Certificate of Reasonable Cause

United States v. $13,570.00, No. CIV-A-97-1997, 1998 WL 37519 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

- *United States v. Any and All Funds*, No. CIV-A-93-3599, 1998 WL 411382 (E.D. La. July 16, 1998) (unpublished) Aug. 1998

Choice of Law

United States v. Any and All Funds, No. C97-931R (W.D. Wash. Apr. 1, 1998) May 1998

Claim and Answer

United States v. $8,800, No. CIV-A-97-3066, 1998 WL 118076 (E.D. La. Mar. 13, 1998) (unpublished) Apr. 1998

United States v. $21,044.00 in United States Currency, No. 96-CIV-A-97-2994, 1998 WL 213762 (E.D. La. Apr. 30, 1998) (unpublished) June 1998

- *United States v. 12 Units of an Article of Device*, No. 98-C-2318, 1998 WL 409388 (N.D. Ill. July 13, 1998) Aug. 1998
- *United States v. United States Currency in the Sum of $972,633*, No.CV-97-4961 (CPS) (E.D.N.Y. June 18, 1998) (unpublished) Aug. 1998

Collateral Estoppel

- *United States v. Real Property Known as 415 East Mitchell Ave.*, ___ F.3d ___, No. 97-3642, 1998 WL 400051 (6th Cir. July 20, 1998) Aug. 1998

Comity

Habiniak v. Rensselaer City Municipal Corp., ___ F. Supp. ___, No. 95-CV-1602, 1998 WL 261554 (N.D.N.Y. May 15, 1998) July 1998

Conflict of Interest

United States v. Jiang, 140 F.3d 124 (2d Cir. 1998) May 1998

Contempt

- *United States v. 910 Cases, More or Less, of an Article of Food*, No. 96-CV-3575(SJ) (E.D.N.Y. June 22, 1998) (unpublished) Aug. 1998

Continuing Criminal Enterprise

United States v. Abrego, 141 F.3d 142 (5th Cir. 1998) July 1998

Court of Federal Claims

Bailey v. United States, 40 Cl. Ct. 449 (Cl. Ct. 1998) Apr. 1998

Criminal Forfeiture

United States v. Barnette, 129 F.3d 1179 (11th Cir. 1997) Jan. 1998

United States v. Paccione, 992 F. Supp. 335 (S.D.N.Y. 1998) Mar. 1998

Clifford v. United States, 136 F.3d 144 (D.C. Cir. 1998) Apr. 1998

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Bank Austria), 994 F. Supp. 18 (D.D.C. 1998) Apr. 1998

United States v. Mulligan, 178 F.R.D. 164 (E.D. Mich. 1998) May 1998

Currency Seizure

- *Arango v. United States*, No. 97-C-8813, 1998 WL 417601 (N.D. Ill. July 20, 1998) Aug. 1998
- *United States v. $9,135.00 in U.S. Currency*, No. CIV-A-97-0990, 1998 WL 329270 (E.D. La. June 18, 1998) (unpublished) Aug. 1998
- *United States v. $189,825.00 in U.S. Currency*, ___ F. Supp. ___, No. 96-CV-1084-J, 1998 WL 309228 (N.D. Okla. June 3, 1998) Aug. 1998

Customs Service

Interport Incorporated v. Magaw, 135 F.3d 826 (D.C. Cir. 1998), *aff'g* 923 F. Supp. 242 (D.D.C. 1996) May 1998

Delay

United States v. Funds in Amount of $37,760.00, No. 97-C-6241, 1998 WL 42465 (N.D. Ill. Jan. 28, 1998) (unpublished) Mar. 1998

United States v. Gonzalez, No. 96-365-2, 1998 WL 95703 (E.D. Pa. Apr. 22, 1998) (unpublished) June 1998

- *Juda v. Nerney*, ___ F. 3d ___, Nos. 97-2192, 97-2326, 1998 WL 317474 (10th Cir. June 16, 1998) (unpublished) (Table) Aug. 1998
- *United States v. 12 Units of an Article of Device*, No. 98-C-2318, 1998 WL 409388 (N.D. Ill. July 13, 1998) Aug. 1998

Disclosure of Bank Records

Lopez v. First Union National Bank, 129 F.3d 1186 (11th Cir. 1997), *rev'g* 931 F. Supp. 86 (S.D. Fla. 1996) Jan. 1998

Discovery

- *United States v. $121,670 in U.S. Currency*, No. 97-CV-93 (EHN)(RML) (E.D.N.Y. June 26, 1998) (unpublished) Aug. 1998

Division of Marital Interest

- *United States v. Lee*, ___ F. Supp. ___, No. 93-10075, 1998 WL 419759 (C.D. Ill. July 22, 1998) Aug. 1998

Dog Sniff

United States v. $13,570.00, No. CIV-A-97-1997, 1997 WL 722947 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $201,700.00 in U.S. Currency, No. 97-0073-CIV-HIGHSMITH (S.D. Fla. Jan. 5, 1998) (unpublished) Feb. 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) Apr. 1998

United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) May 1998

- *United States v. $9,135.00 in U.S. Currency*, No. CIV-A-97-0990, 1998 WL 329270 (E.D. La. June 18, 1998) (unpublished) Aug. 1998

- ***United States v. $189,825.00 in U.S. Currency***, ___ F. Supp. ___, No. 96-CV-1084-J, 1998 WL 309228 (N.D. Okla. June 3, 1998) Aug. 1998

Double Jeopardy

Hudson v. United States, ___ U.S.___, 118 S. Ct. 488 (1997) Jan. 1998

United States v. Ogbonna, No. CV-95-2100(CPS), 1997 WL 785612 (E.D.N.Y. Nov. 13, 1997) (unpublished) Feb. 1998

United States v. Williams, 132 F.3d 1055 (5th Cir. 1998) Feb. 1998

United States v. Ruedlinger, No. 97-40012-01-RDR, 1997 WL 808662 (D. Kan. Dec. 15, 1997) (unpublished) Mar. 1998

United States v. Abrego, 141 F.3d 142 (5th Cir. 1998) July 1998

Drug Courier Profiles

United States v. $13,570.00, No. CIV-A-97-1997, 1997 WL 722947 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) Apr. 1998

Due Process

United States v. 4333 South Washtenaw Avenue, No. 92-C-8009, 1997 WL 587755 (N.D. Ill. Sept. 19, 1997) (unpublished) Jan. 1998

United States v. One Parcel of Land etc. 13 Maplewood Drive, No. CIV-A-94-40137, 1997 WL 567945 (D. Mass. Sept. 4, 1997) (unpublished) Jan. 1998

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) Mar. 1998

Effect of Sentence

United States v. Hoffer, 129 F.3d 1196 (11th Cir. 1997) Jan. 1998

United States v. Love, 134 F.3d. 595 (4th Cir. 1998) Mar. 1998

United States v. Faulks, 143 F.3d 133 (3d Cir. 1998) June 1998

Eighth Amendment

United States v. An Antique Platter of Gold, Civ. No. 95-10537, 1997 WL 812174 (S.D.N.Y. Nov. 14, 1997) (unpublished) Jan. 1998

Correa-Serge v. Eliopoulas, No. 95-C-7085, 1998 WL 292425 (N.D. Ill. May 19, 1998) (unpublished) July 1998

Employee Benefits

United States v. Parise, No. 96-273-01, 1997 WL 431009 (E.D. Pa. July 15, 1997) (unpublished) Jan. 1998

Excessive Fines

United States v. Funds in the Amount of $170,926.00, 985 F. Supp. 810 (N.D. Ill. Nov. 25, 1997) Jan. 1998

Northrup v. United States, Nos. 3:92-CR-32, 3:96-CIV-836, 3:97-CV-712, 1998 WL 27120 (D. Conn. Jan. 14, 1998) (unpublished) Mar. 1998

United States v. 47 West 644 Route 38, No. 92-C-7906, 1998 WL 59504 (N.D. Ill. Feb. 9, 1998) (unpublished) Mar. 1998

United States v. One Parcel of Real Estate Located at 25 Sandra Court, 135 F. Supp. 462 (7th Cir. 1998) Mar. 1998

Rodriguez v. United States, 132 F.3d 30 (1st Cir. 1998) (Table) Apr. 1998

United States v. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) Apr. 1998

United States v. Real Property Located at 25445 Via Dona Christa, 138 F.3d 403 (9th Cir. 1998) Apr. 1998

United States v. Ladum, 141 F.3d 1328 (9th Cir. 1998) June 1998

United States v. Parcel of Real Property ... 154 Manley Road, ___ F. Supp. ___, No. C.A.-93-0511ML, 1998 WL 224687 (D.R.I. May 4, 1998) June 1998

United States v. Bajakajian, ___ U.S. ___, 118 S. Ct. 2028 (1998) July 1998

• *United States v. Real Property Known as 415 East Mitchell Ave.*, ___ F.3d ___, No. 97-3642, 1998 WL 400051 (6th Cir. July 20, 1998) Aug. 1998

Ex Parte Proceedings

Clifford v. United States, 136 F.3d 144 (D.C. Cir. 1998) Apr. 1998

Federal Tort Claims Act

Boggs v. United States, 987 F. Supp. 11 (D.D.C. 1997) May 1998

Firearms

Interport Incorporated v. Magaw, 135 F.3d 826 (D.C. Cir. 1998), *aff'g* 923 F. Supp. 242 (D.D.C. 1996) May 1998

United States v. Twelve Firearms, Civ. No. H-97-295 (S.D. Tex. Mar. 30, 1998) (unpublished) June 1998

Foreclosure

Habiniak v. Rensselaer City Municipal Corp., ___ F. Supp. ___, No. 95-CV-1602, 1998 WL 261554 (N.D.N.Y. May 15, 1998) July 1998

Foreign Bank Accounts

Operation Casablanca, ___ F. Supp. ___ (C.D. Cal. and D.D.C. May 18, 1998) June 1998

Fourth Amendment

Correa-Serge v. Eliopoulas, No. 95-C-7085, 1998 WL 292425 (N.D. Ill. May 19, 1998) (unpublished) July 1998

Fungible Property

Operation Casablanca, ___ F. Supp. ___ (C.D. Cal. and D.D.C. May 18, 1998) June 1998

United States v. United States Currency Deposited in Account No. 1115000763247, No. 97-C-1765, 1998 WL 299420 (N.D. Ill. May 21, 1998) (unpublished) July 1998

Fugitive Disentitlement Doctrine

United States v. Barnette, 129 F.3d 1179 (11th Cir. 1997) Jan. 1998

Gambling

United States v. One Big Six Wheel, 987 F. Supp. 169 (E.D.N.Y. 1997) Jan. 1998

Good Violation

United States v. Any and All Funds, No. C-97-931R (W.D. Wash. Apr. 1, 1998) May 1998

• *Juda v. Nerney*, ___ F. 3d ___, Nos. 97-2192, 97-2326, 1998 WL 317474 (10th Cir. June 16, 1998) (unpublished) (Table) Aug. 1998

Impeachment

United States v. Palumbo Bros., Inc, No. 96-CR-613, 1998 WL 67623 (N.D. Ill. Feb. 3, 1998) (unpublished) Apr. 1998

Importation of Illegal Goods

United States v. 863 Iranian Carpets, 981 F. Supp. 746 (N.D.N.Y. 1997) Jan. 1998

United States v. An Antique Platter of Gold, Civ. No. 95-10537, 1997 WL 812174 (S.D.N.Y. Nov. 14, 1997) (unpublished) Jan. 1998

In Rem Jurisdiction

United States v. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) Apr. 1998

Indictment

United States v. DeFries, 129 F.3d 1293 (D.C. Cir. 1997) Jan. 1998

Innocent Owner

United States v. 1993 Bentley Coupe, 986 F. Supp. 893 (D.N.J. 1997) Jan. 1998

United States v. An Antique Platter of Gold, Civ. No. 95-10537, 1997 WL 812174 (S.D.N.Y. Nov. 14, 1997) (unpublished) Jan. 1998

United States v. North 48 Feet of Lots 19 and 20, 138 F.3d 1286 (8th Cir. 1998) May 1998

United States v. Various Ukranian Artifacts, No. CV-96-3285 (ILG), 1997 WL 793093 (E.D.N.Y. Nov. 21, 1997) (unpublished) Mar. 1998

Interest

United States v. $515,060.42 in U.S. Currency, ___ F.3d ___, Nos. 95-6579, 96-6057, 96-6175, 97-5016 1998 WL 260294 (6th Cir. May 26, 1998) July 1998

Interlocutory Sale

United States v. One 1991 Acura NSX, No. 96-CV-511S(F) (W.D.N.Y. June 3, 1998) (unpublished) July 1998

Jurisdiction

United States v. All Funds in "The Anaya Trust" Account, No. C-95-0778, 1997 WL 578662 (N.D. Cal. Aug. 26, 1997) (unpublished) Jan. 1998

Jury Trial

United States v. Holmes, 133 F.3d 918 (4th Cir. 1998) (Table) Mar. 1998

Laches

United States v. Mulligan, 178 F.R.D. 164 (E.D. Mich. 1998) May 1998

- ***Ealy v. United States Drug Enforcement Agency***, No. 97-CV-602899-AA (E.D. Mich. July 8, 1998) (unpublished) Aug. 1998

Money Laundering

United States v. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) Jan. 1998

United States v. All Funds in "The Anaya Trust" Account, No. C-95-0778, 1997 WL 578662 (N.D. Cal. Aug. 26, 1997) (unpublished) Jan. 1998

United States v. Funds in the Amount of $170,926.00, 985 F. Supp. 810 (N.D. Ill. 1997) Jan. 1998

United States v. All Funds on Deposit, No. CIV-A-97-0794, 1998 WL 32762 (E.D. La. Jan. 28, 1998) (unpublished) Mar. 1998

United States v. Real Property Located at 22 Santa Barbara Drive, 121 F.3d 719 (9th Cir. 1997) (unpublished) (Table) Mar. 1998

United States v. $66,020.00 in United States Currency, No. A96-0186-CV(HRH) (D. Alaska Feb. 23, 1998) (unpublished) Apr. 1998

United States v. U.S. Currency ($199,710.00), No. 96-CV-241(ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 1998

Operation Casablanca, ___ F. Supp. ___ (C.D. Cal. and D.D.C. May 18, 1998) June 1998

United States v. Bornfield, ___ F. 3d ___, No. CR-95-524, 1998 WL 239265 (10th Cir. May 13, 1998) June 1998

United States v. Ladum, 141 F.3d 1328 (9th Cir. 1998) June 1998

United States v. Saccoccia, Crim. No. 91-115T (D.R.I. May 8, 1998) June 1998

United States v. United States Currency Deposited in Account No. 1115000763247, No. 97-C-1765, 1998 WL 299420 (N.D. Ill. May 21, 1998) (unpublished) July 1998

- ***United States v. Hawkey***, ___ F.3d ___, No. 97-3248, 1998 WL 331182 (8th Cir. June 24, 1998) Aug. 1998
- ***United States v. Leos-Hermosillo***, Crim. No. 97-CR-1221-BTM (S.D. Cal. June 19, 1998) (unpublished) Aug. 1998

Motion *in Limine*

United States v. Palumbo Bros., Inc, No. 96-CR-613, 1998 WL 67623 (N.D. Ill. Feb. 3, 1998) (unpublished) Apr. 1998

Motion for Return of Seized Property

United States v. Ruedlinger, No. 97-40012-01-RDR, 1997 WL 808662 (D. Kan. Dec. 15, 1997) (unpublished) Mar. 1998

Motion to Dismiss

United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) May 1998

United States v. One 1996 Lexus LX-450, No. 97-C-4759, 1998 WL 164881 (N.D. Ill. Apr. 2, 1998) (unpublished) June 1998

Notice

United States v. One Parcel of Land etc. 13 Maplewood Drive, No. Civ-A-94-40137, 1997 WL 567945 (D. Mass. Sept. 4, 1997) (unpublished) Jan. 1998

Small v. United States, 136 F.3d 1344 (D.C. Cir. 1998) Mar. 1998

United States v. Gambina, No. 94-CR-1074 (SJ), 1998 WL 19975 (E.D.N.Y. Jan 16, 1998) (unpublished) Mar. 1998

United States v. The Lido Motel, 5145 North Golden States, 135 F.3d 1312 (9th Cir. 1998) Mar. 1998

United States v. Colon, 993 F. Supp. 42 (D.P.R. 1998) Apr. 1998

Weng v. United States, 137 F.3d 709 (2d Cir. 1998) Apr. 1998

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 119531(N.D. Tex. Mar. 6, 1998) (unpublished) May 1998

United States v. Gonzalez, No. 96-365-2, 1998 WL 195703 (E.D. Pa. Apr. 22, 1998) (unpublished) June 1998

Correa-Serge v. Eliopoulas, No. 95-C-7085, 1998 WL 292425 (N.D. Ill. May 19, 1998) (unpublished) July 1998

Triestman v. Albany County Municipality, 93-CV-1397, 1998 WL 238718 (N.D.N.Y. May 1, 1998) (unpublished) July 1998

- *Arango v. United States*, No. 97-C-8813, 1998 WL 417601 (N.D. Ill. July 20, 1998) Aug. 1998

- *United States v. Aguilar*, ___ F. Supp. ___, No. 3:97-CV7-68-WWE, 1998 WL 327615 (D. Conn. June 4, 1998) Aug. 1998

Out-of-District Seizures

Operation Casablanca, ___ F. Supp. ___ (C.D. Cal. and D.D.C. May 18, 1998) June 1998

Parallel Proceedings

United States v. Ruedlinger, No. 97-40012-01-RDR, 1997 WL 808662 (D. Kan. Dec. 15, 1997) (unpublished) Mar. 1998

United States v. Jiang, 140 F.3d 124 (2d Cir. 1998) May 1998

Particularity

United States v. Funds in the Amount of $170,926.00, 985 F. Supp. 810 (N.D. Ill. 1997) Jan. 1998

Pension Funds

United States v. Parise, No. 96-273-01, 1997 WL 431009 (E.D. Pa. July 15, 1997) (unpublished) Jan. 1998

Plea Agreement

Hampton v. United States, Nos. CIV-A-96-7829, CRIM-A-93-009-02, 1997 WL 799457 (E.D. Pa. Dec. 30, 1997) (unpublished) Feb. 1998

Post and Walk

United States v. 408 Peyton Road, 112 F.3d 1106 (11th Cir. 1997), *reh'g en banc ordered*, 133 F.3d 1378 (11th Cir. 1998) Feb. 1998

United States v. 3917 Morris Court, 142 F.3d 1282 (11th Cir. 1998) June 1998

Pre-judgment Interest

United States v. $133,735.30 Seized From U.S. Bancorp Brokerage Account, ___ F.3d ___, No. 97-35267, 1998 WL 125047 (9th Cir. Mar. 23, 1998) Apr. 1998

Preliminary Order of Forfeiture

United States v. Bennett, ___ F.3d ___, No. 97-30255, 1998 WL 309269 (9th Cir. June 12, 1998) July 1998

Pretrial Restraining Order

Roberts v. United States, 141 F.3d 1468 (11th Cir. 1998) July 1998

- ***In Re: Account Nos... at Bank One in Milwaukee***, ___ F. Supp.___, No. 97-MISC-63, 1998 WL 385901 (E.D. Wis. Feb. 2, 1998) Aug. 1998

Probable Cause

United States v. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) Jan. 1998

United States v. 863 Iranian Carpets, 981 F. Supp. 746 (N.D.N.Y. 1997) Jan. 1998

United States v. $13,570.00, No. CIV-A-97-1997, 1997 WL 722947 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $86,020.00 in U.S. Currency, 1 F. Supp. 2d 1034 (D. Ariz. 1997) Feb. 1998

United States v. $201,700.00 in U.S. Currency, No. 97-0073-CIV-HIGHSMITH (S.D. Fla. Jan. 5, 1998) (unpublished) Feb. 1998

United States v. One 1980 Cessna 441 Conquest II Aircraft, 989 F. Supp. 1465 (S.D. Fla. 1997) Mar. 1998

United States v. Real Property Located at 22 Santa Barbara Drive, 121 F.3d 719 (9th Cir. 1997) (unpublished) (Table) Mar. 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) Apr. 1998

United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) May 1998

United States v. $206,323.56 in U.S. Currency, 989 F. Supp. 1465 (S.D. W. Va. 1998) May 1998

United States v. U.S. Currency ($199,710.00), No. 96-CV-241 (ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 1998

United States v. One 1996 Lexus LX-450, No. 97-C-4759, 1998 WL 164881 (N.D. Ill. Apr. 2, 1998) (unpublished) June 1998

- ***United States v. $9,135.00 in U.S. Currency***, No. CIV-A-97-0990, 1998 WL 329270 (E.D. La. June 18, 1998) (unpublished) Aug. 1998

- ***United States v. $189,825.00 in U.S. Currency***, ___ F. Supp. ___, No. 96-CV-1084-J, 1998 WL 309228 (N.D. Okla. June 3, 1998) Aug. 1998

Proceeds

United States v. Jarrett, 133 F.3d 519 (7th Cir. 1998) Feb. 1998

United States v. Real Property Located at 22 Santa Barbara Drive, 121 F.3d 719 (9th Cir. 1997) (unpublished) (Table) Mar. 1998

- ***U.S. v. Alaniz***, ___ F.3d ___, Nos. 97-3189, 97-3299, 97-3000, 97-3395, 97-3604, 97-3605, 1998 WL 331282 (8th Cir. June 24, 1998) Aug. 1998

Relation Back Doctrine

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), ___ F. Supp. ___, No. 91-0655 (JHG), 1998 WL 199700 (D.D.C. Apr. 16, 1998) May 1998

United States v. McClung, ___ F. Supp. ___, No. CRIM-A-97-0031-H, 1998 WL 275821 (W.D. Va. Apr. 27, 1998) July 1998

- ***United States v. Johnston***, ___ F. Supp.___, No. 93-130-CR-ORL-22C, 1998 WL 414211 (M.D. Fla.1998) Aug. 1998

- ***United States v. Lee***, ___ F. Supp. ___, No. 93-10075, 1998 WL 419759 (C.D. Ill. July 22, 1998) Aug. 1998

Remedy for *Good* Violation

United States v. 1461 West 42nd Street, 998 F. Supp. 1438, (S.D. Fla. 1998), *motion for reconsideration granted in part*, ___ F. Supp.___ (S.D. Fla. Apr. 21, 1998) May 1998

Removal of State Court Action

United States v. Paccione, 992 F. Supp. 335 (S.D.N.Y. 1998) Mar. 1998

Remission

United States v. Chan, No. 94-02176-01 (D. Haw. Apr. 1, 1998) (unpublished) June 1998

Res Judicata

Ortiz-Cameron v. DEA, 139 F.3d 4 (1st Cir.1998) May 1998

Restitution

United States v. Moloney, 985 F. Supp. 358 (W.D.N.Y. 1997) Feb. 1998

United States v. Chan, No. 94-02176-01 (D. Haw. Apr. 1, 1998) (unpublished) June 1998

Restraining Order

United States v. Paccione, 992 F. Supp. 335 (S.D.N.Y. 1998) Mar. 1998

United States v. Gotti, 996 F. Supp.321 (S.D.N.Y. 1998) Apr. 1998

United States v. Berg, 998 F. Supp. 395 (S.D.N.Y. 1998) May 1998

United States v. McCullough, 142 F.3d 446 (9th Cir. 1998) (Table) June 1998

Return of Seized Property

In the Matter of the Seizure of One White Jeep Cherokee, 991 F. Supp. 1077 (S.D. Iowa 1998) Mar. 1998

United States v. McCullough, 142 F.3d 446 (9th Cir. 1998) (Table) June 1998

Right to Counsel

United States v. Salemme, 985 F. Supp. 197 (D. Mass. 1997) Feb. 1998

RICO

United States v. DeFries, 129 F.3d 1293 (D.C. Cir. 1997) Jan. 1998

Rule 41(e)

In the Matter of the Seizure of One White Jeep Cherokee, 991 F. Supp. 1077 (S.D. Iowa 1998) Mar. 1998

In re: U.S. Currency, $844,520.00 v. United States, 136 F.3d 581 (8th Cir. 1998) Apr. 1998

United States v. Moloney, 985 F. Supp. 358 (W.D.N.Y. 1997) Feb. 1998

Corinthian v. United States, No. CV-96-945 (CPS) (E.D.N.Y. Mar. 17, 1998) (unpublished) May 1998

United States v. Mulligan, 178 F.R.D. 164 (E.D. Mich. 1998) May 1998

Rule 48(a)

United States v. Ruedlinger, No. 97-40012-01-RDR, 1997 WL 808662 (D. Kan. Dec. 15, 1997) (unpublished) Mar. 1998

Rule 60(b)

United States v. Mosavi, 138 F.3d 1365 (11th Cir. 1998) June 1998

- *United States v. Aguilar*, ___ F. Supp. ___, No. 3:97-CV7-68-WWE, 1998 WL 327615 (D. Conn. June 4, 1998) Aug. 1998

Safe Harbor

Lopez v. First Union National Bank, 129 F.3d 1186 (11th Cir. 1997), *rev'g* 931 F. Supp. 86 (S.D. Fla. 1996) Jan. 1998

Section 853(a)

United States v. Holmes, 133 F.3d 918 (4th Cir. 1998) (Table) Mar. 1998

Section 888

United States v. One 1980 Cessna 441 Conquest II Aircraft, 989 F. Supp. 1465 (S.D. Fla. 1997) Mar. 1998

United States v. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) Apr. 1998

Section 1983

McFadden v. County of Nassau, No. CV-97-4146, 1998 WL 151419 (E.D. N.Y. Mar. 26, 1998) (unpublished) May 1998

Jacobs v. City of Port Neches, ___ F. Supp. ___, No. 1:94-CV-76, 1998 WL 317808 (E.D. Tex. June 4, 1998) July 1998

Triestman v. Albany County Municipality, No. 93-CV-1397, 1998 WL 238718 (N.D.N.Y. May 1, 1998) (unpublished) July 1998

Section 2255

Northrup v. United States, Nos. 3:92-CR-32, 3:96-CIV-836, 3:97-CV-712, 1998 WL 27120 (D. Conn. Jan. 14, 1998) (unpublished) Mar. 1998

Rodriguez v. United States, 132 F.3d 30 (1st Cir. 1998) (Table) Apr. 1998

United States v. Martinson, No. CIV-97-3030, 1998 WL 11801 (E.D. Pa. Mar. 4, 1998) (unpublished) May 1998

Settlement

U.S. v. All Assets of Revere Armored, Inc., 131 F.3d 132 (2d Cir. 1997) (unpublished) (Table) Feb. 1998

Standing

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Bank Austria), 994 F. Supp. 18 (D.D.C. 1998) Apr. 1998

United States v. Any and All Funds, No. C97-931R (W.D. Wash. Apr. 1, 1998) May 1998

United States v. U.S. Currency ($199,710.00), No. 96-CV-241(ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 1998

United States v. 17600 N.E. Olds Lane, No. 96-1549-FR, 1998 WL 173200 (D. Ore. Apr. 8, 1998) (unpublished) May 1998

United States v. $182,980.00 in U.S. Currency, No. 97-CIV-8166 (DLC), 1998 WL 307059 (S.D.N.Y. June 11, 1998) (unpublished) July 1998

United States v. $515,060.42 in U.S. Currency, ___ F.3d ___, Nos. 95-6579, 96-6057, 96-6175, 97-5016 1998 WL 260294 (6th Cir. May 26, 1998) July 1998

United States v. Certain Real Property Located at 16397 Harden Circle, No. 95-2387 (6th Cir. May 7, 1998) (unpublished) July 1998

State Court Foreclosure Proceedings

United States v. 1993 Bentley Coupe, 986 F. Supp. 893 (D.N.J. 1997) Jan. 1998

Statute of Limitations

United States v. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) Jan. 1998

Corinthian v. United States, No. CV-96-945 (CPS) (E.D.N.Y. Mar. 17, 1998) (unpublished) May 1998

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 119531(N.D. Tex. Mar. 6, 1998) (unpublished) May 1998

United States v. Twelve Firearms, Civ. No. H-97-295 (S.D. Tex. Mar. 30, 1998) (unpublished) June 1998

United States v. $515,060.42 in U.S. Currency, ___ F.3d ___, Nos. 95-6579; 96-6057; 96-6175; 97-5016 1998 WL 260294 (6th Cir. May 26, 1998) July 1998

Stay Pending Appeal

United States v. $13,570.00, No. CIV-A-97-1997, 1998 WL 37519 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1998 WL 37522 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

United States v. 1993 Bentley Coupe, No. CIV-A-93-1282, 1997 WL 803914 (D.N.J. Dec. 30, 1997) (unpublished) Mar. 1998

Sting Operation

United States v. All Funds on Deposit, No. CIV-A-97-0794, 1998 WL 32762 (E.D. La. Jan. 28, 1998) (unpublished) Mar. 1998

Structuring

United States v. Funds in the Amount of $170,926.00, 985 F. Supp. 810 (N.D. Ill. Nov. 25, 1997) Jan. 1998

Substitute Assets

United States v. Parise, No. 96-273-01, 1997 WL 431009 (E.D. Pa. July 15, 1997) (unpublished) Jan. 1998

United States v. Gotti, 996 F. Supp. 321 (S.D.N.Y. 1998) Apr. 1998

United States v. Berg, 998 F. Supp. 395 (S.D.N.Y. 1998) May 1998

United States v. Bornfield, ___ F. 3d ___, No. CR-95-524, 1998 WL 239265 (10th Cir. May 13, 1998) June 1998

- *In Re: Account Nos... at Bank One in Milwaukee*, ___ F. Supp.___, No. 97-MISC-63, 1998 WL 385901 (E.D. Wis. Feb. 2, 1998) Aug. 1998

- *United States v. Leos-Hermosillo*, Crim. No. 97-CR-1221-BTM (S.D. Cal. June 19, 1998) (unpublished) Aug. 1998

Summary Judgment

United States v. $86,020.00 in U.S. Currency, 1 F. Supp. 2d 1034 (D. Ariz. 1997) Feb. 1998

United States v. $201,700.00 in U.S. Currency, No. 97-0073-CIV-HIGHSMITH (S.D. Fla. Jan. 5, 1998) (unpublished) Feb. 1998

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) Mar. 1998

United States v. $206,323.56 in U.S. Currency, 998 F. Supp. 693 (S.D.W. Va. 1998) May 1998

Tax Deduction for Forfeiture

Murillo v. Commissioner of Internal Revenue, T.C. Memo. 1998-13 (U.S. Tax Court 1998) Feb. 1998

Tax Liability for Forfeited Assets

Arcia v. Commissioner of Internal Revenue, T.C. Memo. 1998-178 (U.S. Tax Court 1998) July 1998

Tax Liens

Town of Sanford v. United States, 140 F.3d 20 (1st Cir. 1998), *aff'g on other grounds*, 196 F. Supp. 16 (D. Me. 1997) May 1998

Territorial Waters

United States v. One Big Six Wheel, 987 F. Supp. 169 (E.D.N.Y. 1997) Jan. 1998

Third-party Rights

United States v. Barnette, 129 F.3d 1179 (11th Cir. 1997) Jan. 1998

Roberts v. United States, 141 F.3d 1468 (11th Cir. 1998) July 1998

Traceable Property

- *United States v. Hawkey*, ___ F.3d ___, No. 97-3248, 1998 WL 331182 (8th Cir. June 24, 1998) Aug. 1998

Trustee

Clifford v. United States, 136 F.3d 144 (D.C. Cir. 1998) Apr. 1998

United States v. Any and All Funds, No. C97-931R (W.D. Wash. Apr. 1, 1998) May 1998

Tucker Act

Bailey v. United States, 40 Cl. Ct. 449 (Cl. Ct. 1998) Apr. 1998

Venue

United States v. All Funds in "The Anaya Trust Account", No. C-95-0778, 1997 WL 578662 (N.D. Cal. Aug. 26, 1997) (unpublished) Jan. 1998

Victims

United States v. Contents of Brokerage Account No. 519-40681-1-9-524, No. M9-150, 1997 WL 786949 (S.D.N.Y. Dec. 23, 1997) (unpublished) Feb. 1998

Alphabetical Index

The following is an alphabetical listing of cases that have appeared in the *Quick Release* during 1998. The issue in which the case summary was published follows the cite.

Arcia v. Commissioner of Internal Revenue, T.C. Memo. 1998-178 (U.S. Tax Court 1998) July 1998

Arango v. United States, No. 97-C-8813, 1998 WL 417601 (N.D. Ill. July 20, 1998) Aug. 1998

Bailey v. United States, 40 Cl. Ct. 449 (Cl. Ct. 1998) Apr. 1998

Bell v. Bell, 215 B.R. 266 (Bankr. N.D. 1997) Feb. 1998

Boggs v. United States, 987 F. Supp. 11 (D.D.C. 1997) May 1998

Clifford v. United States, 136 F.3d 144 (D.C. Cir. 1998) Apr. 1998

Correa-Serge v. Eliopoulas, No. 95-C-7085, 1998 WL 292425 (N.D. Ill. May 19, 1998) (unpublished) July 1998

Cruz v. U.S. Secret Service Asset Forfeiture Division, No. 97-CIV-6414 (JGK), 1998 WL 107017 (S.D.N.Y. Mar. 11, 1998) (unpublished) Apr. 1998

Ealy v. United States Drug Enforcement Agency, No. 97-CV-602899-AA (E.D. Mich. July 8, 1998) (unpublished) Aug. 1998

Freeman v. United States, No. 97-CV-12302-MEL (D. Mass. Apr. 14, 1998) June 1998

Habiniak v. Rensselaer City Municipal Corp., ___ F. Supp. ___, No. 95-CV-1602, 1998 WL 261554 (N.D.N.Y. May 15, 1998) July 1998

Hampton v. United States, Nos. CIV-A-96-7829, CRIM-A-93-009-02, 1997 WL 799457 (E.D. Pa. Dec. 30, 1998) (unpublished) Feb. 1998

Hudson v. United States, ___ U.S. ___, 118 S. Ct. 488 (1997) Jan. 1998

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 119531 (N.D. Tex. Mar. 6, 1998) (unpublished) May 1998

In Re: Account Nos... at Bank One in Milwaukee, ___ F. Supp.___, No. 97-MISC-63, 1998 WL 385901 (E.D. Wis. Feb. 2, 1998) Aug. 1998

In re: U.S. Currency, $844,520.00 v. United States, 136 F.3d 581 (8th Cir. 1998) Apr. 1998

In the Matter of the Seizure of One White Jeep Cherokee, 991 F. Supp. 1077 (S.D. Iowa 1998) Mar. 1998

Interport Incorporated v. Magaw, 135 F.3d 826 (D.C. Cir. 1998), *aff'g* 923 F. Supp. 242 (D.D.C. 1996) May 1998

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) Mar. 1998

Jacobs v. City of Port Neches, ___ F. Supp. ___, No. 1:94-CV-76, 1998 WL 317808 (E.D. Tex. June 4, 1998) July 1998

Juda v. Nerney, ___ F. 3d ___, Nos. 97-2192, 97-2326, 1998 WL 317474 (10th Cir. June 16, 1998) (unpublished) (Table) Aug. 1998

Lopez v. First Union National Bank, 129 F.3d 1186 (11th Cir. 1997), *rev'g* 931 F. Supp. 86 (S.D. Fla. 1996) Jan. 1998

McFadden v. County of Nassau, No. CV-97-4146, 1998 WL 151419 (E.D.N.Y. Mar. 26, 1998) (unpublished) May 1998

Murillo v. Commissioner of Internal Revenue, T.C. Memo. 1998-13 (U.S. Tax Court 1998) Feb. 1998

Northrup v. United States, Nos. 3:92-CR-32, 3:96-CIV-836, 3:97-CV-712, 1998 WL 27120 (D. Conn. Jan. 14, 1998) (unpublished) Mar. 1998

Operation Casablanca, ___ F. Supp. ___ (C.D. Cal. and D.D.C. May 18, 1998) June 1998

Ortiz-Cameron v. DEA, 139 F.3d 4 (1st Cir. 1998) May 1998

Roberts v. United States, 141 F.3d 1468 (11th Cir. 1998) July 1998

Rodriguez v. United States, 132 F.3d 30 (1st Cir. 1998) (Table) Apr. 1998

Sarlund v. United States, 39 Cl. Ct. 803 (Cl. Ct. 1998) Mar. 1998

Small v. United States, 136 F.3d 1334 (D.C. Cir. 1998) Mar. 1998

Town of Sanford v. United States, 140 F.3d 20 (1st Cir. 1998), *aff'g on other grounds*, 196 F. Supp. 16 (D. Me. 1997) May 1998

Triestman v. Albany County Municipality, No. 93-CV-1397, 1998 WL 238718 (N.D.N.Y. May 1, 1998) (unpublished) July 1998

United States v. 12 Units of an Article of Device, No. 98-C-2318, 1998 WL 409388 (N.D. Ill. July 13, 1998) Aug. 1998

United States v. 47 West 644 Route 38, No. 92-C-7906, 1998 WL 59504 (N.D. Ill. Feb. 9, 1998) (unpublished) Mar. 1998

United States v. 408 Peyton Road, 112 F.3d 1106 (11th Cir. 1997), *reh'g en banc ordered*, 133 F.3d 1378 (11th Cir. 1998) Feb. 1998

United States v. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) Jan. 1998

United States v. 863 Iranian Carpets, 981 F. Supp. 746 (N.D.N.Y. 1997) Jan. 1998

United States v. 910 Cases, More or Less, of an Article of Food, No. 96-CV-3575(SJ) (E.D.N.Y. June 22, 1998) (unpublished) Aug. 1998

United States v. 1993 Bentley Coupe, 986 F. Supp. 893 (D.N.J. 1997) Jan. & Mar. 1998

United States v. 3917 Morris Court, 142 F.3d 1282 (11th Cir. 1998) June 1998

United States v. 4333 South Washtenaw Avenue, No. 92-C-8009, 1997 WL 587755 (N.D. Ill. Sept. 19, 1997) (unpublished) Jan. 1998

United States v. 1461 West 42nd Street, 998 F. Supp. 1438, (S.D. Fla. 1998), *motion for reconsideration granted in part*, ___ F. Supp. ___ (S.D. Fla. Apr. 21, 1998) May 1998

United States v. 17600 N.E. Olds Lane, No. 96-1549-FR, 1998 WL 173200 (D. Ore. Apr. 8, 1998) (unpublished) May 1998

United States v. $8,800, No. CIV-A-97-3066, 1998 WL 118076 (E.D. La. Mar. 13, 1998) (unpublished) Apr. 1998

United States v. $9,135.00 in U.S. Currency, No. CIV-A-97-0990, 1998 WL 329270 (E.D. La. June 18, 1998) (unpublished) Aug. 1998

United States v. $13,570.00, No. CIV-A-97-1997, 1997 WL 722947 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $13,570.00, No. CIV-A-97-1997, 1998 WL 37519 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

United States v. $14,876.00, No. CIV-A-97-1967, 1998 WL 37522 (E.D. La. Jan. 29, 1998) (unpublished) Mar. 1998

United States v. $21,044.00 in United States Currency, No. 96-CIV-A-97-2994, 1998 WL 213762 (E.D. La. Apr. 30, 1998) (unpublished) June 1998

United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) May 1998

United States v. $66,020.00 in United States Currency, No. A96-0186-CV(HRH) (D. Alaska Feb. 23, 1998) (unpublished) Apr. 1998

United States v. $86,020.00 in U.S. Currency, 1 F. Supp. 2d 1034 (D. Ariz. 1997) Feb. 1998

United States v. $121,670 in U.S. Currency, No. 97-CV-93 (EHN)(RML) (E.D.N.Y. June 26, 1998) (unpublished) Aug. 1998

United States v. $133,735.30 Seized From U.S. Bancorp, 139 F.3d 729 (9th Cir. 1998) Apr. 1998

United States v. $182,980.00 in U.S. Currency, No. 97-CIV-8166 (DLC), 1998 WL 307059 (S.D.N.Y. June 11, 1998) (unpublished) July 1998

United States v. $189,825 in U.S. Currency, ___ F. Supp. ___, No. 96-CV-1084-J, 1998 WL 309228 (N.D. Okla. June 3, 1998) Aug. 1998

United States v. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) Apr. 1998

United States v. $201,700.00 in U.S. Currency, No. 97-0073-CIV-HIGHSMITH (S.D. Fla. Jan. 5, 1998) (unpublished) Feb. 1998

United States v. $206,323.56 in U.S. Currency, 998 F. Supp. 693 (S.D.W. Va. 1998) May 1998

United States v. $515,060.42 in U.S. Currency, ___ F.3d ___, Nos. 95-6579, 96-6057, 96-6175, 97-5016 1998 WL 260294 (6th Cir. May 26, 1998) July 1998

United States v. Abrego, 141 F.3d 142 (5th Cir. 1998) July 1998

United States v. Aguilar, ___ F. Supp. ___, No. 3:97-CV7-68-WWE, 1998 WL 327615 (D. Conn. June 4, 1998) Aug. 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) Apr. 1998

U.S. v. Alaniz, ___ F.3d ___, Nos. 97-3189, 97-3299, 97-3000, 97-3395, 97-3604, 97-3605, 1998 WL 331282 (8th Cir. June 24, 1998) Aug. 1998

U.S. v. All Assets of Revere Armored, Inc., 131 F.3d 132 (2d Cir. 1997) (unpublished) (Table) Feb. 1998

United States v. All Funds in "The Anaya Trust" Account, No. C-95-0778, 1997 WL 578662 (N.D. Cal. Aug. 26, 1997) (unpublished) Jan. 1998

United States v. All Funds on Deposit, No. CIV-A-97-0794, 1998 WL 32762 (E.D. La. Jan. 28, 1998) (unpublished) Mar. 1998

United States v. An Antique Platter of Gold, Civ. No. 95-10537, 1997 WL 812174 (S.D.N.Y. Nov. 14, 1997) (unpublished) Jan. 1998

United States v. Any and All Funds, No. C-97-931R (W.D. Wash. Apr. 1, 1998) May 1998

United States v. Any and All Funds, No. CIV-A-93-3599, 1998 WL 411382 (E.D. La. July 16, 1998) (unpublished) Aug. 1998

United States v. Barnette, 129 F.3d 1179 (11th Cir. 1997) Jan. 1998

United States v. Bajakajian, ___ U.S. ___, 118 S. Ct. 2028 (1998) July 1998

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Bank Austria), 994 F. Supp. 18 (D.D.C. 1998) Apr. 1998

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), ___ F. Supp. ___, No. 91-0655 (JHG), 1998 WL 199700 (D.D.C. Apr. 16, 1998) May 1998

United States v. Bennett, ___ F.3d ___, No. 97-30255, 1998 WL 309269 (9th Cir. June 12, 1998) July 1998

United States v. Berg, 998 F. Supp. 395 (S.D.N.Y. 1998) May 1998

United States v. Bornfield, ___ F.3d ___, No. CR-95-524, 1998 WL 239265 (10th Cir. May 13, 1998) June 1998

United States v. Certain Real Property Located at 16397 Harden Circle, No. 95-2387 (6th Cir. May 7, 1998) (unpublished) July 1998

United States v. Chan, No. 94-02176-01 (D. Haw. Apr. 1, 1998) (unpublished) June 1998

United States v. Cleveland, No. CRIM-A-96207, 1998 WL 175900 (E.D. La. Apr. 15, 1998) (unpublished) June 1998

United States v. Colon, 993 F. Supp. 42 (D.P.R. 1998) Apr. 1998

United States v. Contents of Brokerage Account No. 519-40681-1-9-524, No. M9-150, 1997 WL 786949 (S.D.N.Y. Dec. 23, 1997) (unpublished) Feb. 1998

United States v. Cruz, No. S2-97-CR-54 (RPP), 1998 WL 326732 (S.D.N.Y. June 19, 1998) (unpublished) Aug. 1998

United States v. Cunningham, Cr. No. 95-30009-FHF (D. Mass. July 8, 1998) Aug. 1998

United States v. DeFries, 129 F.3d 1293 (D.C. Cir. 1997) Jan. 1998

United States v. Faulks, 143 F.3d 133 (3d Cir. 1998) June 1998

United States v. Funds in Amount of $37,760.00, No. 97-C-6241, 1998 WL 42465 (N.D. Ill. Jan. 28, 1998) (unpublished) Mar. 1998

United States v. Funds in the Amount of $170,926.00, 985 F. Supp. 810 (N.D. Ill. 1997) Jan. 1998

United States v. Gambina, No. 94-CR-1074 (SJ), 1998 WL 19975 (E.D.N.Y. Jan 16, 1998) (unpublished) Mar. 1998

United States v. Gonzalez, No. 96-365-2, 1998 WL 195703 (E.D. Pa. Apr. 22, 1998) (unpublished) June 1998

United States v. Gotti, 996 F. Supp.321 (S.D.N.Y. 1998) Apr. 1998

United States v. Hawkey, ___ F.3d ___, No. 97-3248, 1998 WL 331182 (8th Cir. June 24, 1998) Aug. 1998

United States v. Hoffer, 129 F.3d 1196 (11th Cir. 1997) Jan. 1998

United States v. Holmes, 133 F.3d 918 (4th Cir. 1998) (Table) Mar. 1998

United States v. Jarrett, 133 F.3d 519 (7th Cir. 1998) Feb. 1998

United States v. Jiang, 140 F.3d 124 (2d. Cir. 1998) May 1998

United States v. Johnston, ___ F. Supp.___, No. 93-130-CR-ORL-22C, 1998 WL 414211 (M.D. Fla.1998) Aug. 1998

United States v. Ladum, 141 F.3d 1328 (9th Cir. 1998) June 1998

United States v. Lee, ___ F. Supp. ___, No. 93-10075, 1998 WL 419759 (C.D. Ill. July 22, 1998) Aug. 1998

United States v. Leos-Hermosillo, Crim. No. 97-CR-1221-BTM (S.D. Cal. June 19, 1998) (unpublished) Aug. 1998

United States v. Love, 134 F.3d 595 (4th Cir. 1998) Mar. 1998

United States v. Martinson, No. CIV-97-3030, 1998 WL 11801 (E.D. Pa. Mar. 4, 1998) (unpublished) May 1998

United States v. McClung, ___ F.3d ___, No. CRIM-A-97-0031-H (11th Cir. 1998) July 1998

United States v. McCullough, 142 F.3d 446 (9th Cir. 1998) (Table) June 1998

United States v. Moloney, 985 F. Supp. 358 (W.D.N.Y. 1997) Feb. 1998

United States v. Mosavi, 138 F.3d 1365 (11th Cir. 1998) June 1998

United States v. Mulligan, 178 F.R.D. 164 (E.D. Mich. 1998) May 1998

United States v. North 48 Feet of Lots 19 and 20, 138 F.3d 1268 (8th Cir. 1998) May 1998

United States v. Ogbonna, No. CV-95-2100 (CPS), 1997 WL 785612 (E.D.N.Y. Nov. 13, 1997) (unpublished) Feb. 1998

United States v. One Big Six Wheel, 987 F. Supp.169 (E.D.N.Y. 1997) Jan. 1998

United States v. One Parcel of Land etc. 13 Maplewood Drive, No. CIV-A-94-40137, 1997 WL 567945 (D. Mass. Sept. 4, 1997) (unpublished) Jan. 1998

United States v. One Parcel of Real Estate Located at 25 Sandra Court, 135 F.3d 462 (7th Cir. 1998) Mar. 1998

United States v. One 1980 Cessna 441 Conquest II Aircraft, 989 F. Supp.1465 (S.D. Fla. 1997) Mar. 1998

United States v. One 1991 Acura NSX, No. 96-CV-511S(F) (W.D.N.Y. June 3, 1998) (unpublished) July 1998

United States v. One 1996 Lexus LX-450, No. 97-C-4759, 1998 WL 164881 (N.D. Ill. Apr. 2, 1998) (unpublished) June 1998

United States v. Paccione, 992 F. Supp. 335 (S.D.N.Y. 1998) Mar. 1998

United States v. Palumbo Bros., Inc, No. 96-CR-613, 1998 WL 676232 (N.D. Ill. Feb. 3, 1998) (unpublished) Apr. 1998

United States v. Parcel of Real Property ... 154 Manley Road, ___ F. Supp. ___, No. C.A.-93-0511ML, 1998 WL 224687 (D.R.I. May 4, 1998) June 1998

United States v. Parise, No. 96-273-01, 1997 WL 431009 (E.D. Pa. July 15, 1997) (unpublished) Jan. 1998

United States v. Real Property Known as 415 East Mitchell Ave., ___ F.3d ___, No. 97-3642, 1998 WL 400051 (6th Cir. July 20, 1998) Aug. 1998

United States v. Real Property Located at 22 Santa Barbara Drive, 121 F.3d 719 (9th Cir. 1997) (unpublished) (Table) Mar. 1998

United States v. Real Property Located at 25445 Via Dona Christa, 138 F.3d 403 (9th Cir. 1998) Apr. 1998

United States v. Ruedlinger, Nos. 97-40012-01-RDR, 97-40012-02-RDR, 1997 WL 807925 (D. Kan. Dec. 17, 1997) (unpublished) Mar. 1998

United States v. Ruedlinger, No. 97-40012-01-RDR, 1997 WL 808662 (D. Kan. Dec. 15, 1997) (unpublished) Mar. 1998

United States v. Saccoccia, Crim. No. 91-115T (D.R.I. May 8, 1998) June 1998

United States v. Salemme, 985 F. Supp. 197 (D. Mass. 1997) Feb. 1998

United States v. The Lido Motel, 5145 North Golden State, 135 F.3d 1312 (9th Cir. 1998) Mar. 1998

United States v. Twelve Firearms, Civ. No. H-97-295 (S.D. Tex. Mar. 30, 1998) (unpublished) June 1998

United States v. U.S. Currency ($199,710.00), No. 96-CV-41 (ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 1998

United States v. United States Currency Deposited in Account No. 1115000763247, No. 97-C-1765, 1998 WL 299420 (N.D. Ill. May 21, 1998) (unpublished) July 1998

United States v. United States Currency in the Sum of $972,633, No.CV-97-4961 (CPS) (E.D.N.Y. June 18, 1998) (unpublished) Aug. 1998

United States v. Various Ukranian Artifacts, No. CV-96-3285 (ILG), 1997 WL 793093 (E.D.N.Y. Nov. 21, 1997) (unpublished) Mar. 1998

United States v. Williams, 132 F.3d 1055 (5th Cir. 1998) Feb. 1998

Weng v. United States, 137 F.3d 709 (2d Cir. 1998) Apr. 1998