

¹ BAM Trading Services Inc. d/b/a Binance.US is referred to herein as “Binance,” the common name under which it operates.

States pursuant to 18 U.S.C. § 981(a)(1)(A) and (a)(1)(C) on the grounds that the **Defendant Property** is any property, real or personal, which constitutes or is derived from proceeds traceable to wire fraud in violation 18 U.S.C. § 1343 and wire fraud conspiracy in violation of 18 U.S.C. § 1349, and is any property, real or personal, involved in or attempted to be involved in, or any property traceable to such property involved in, money laundering and conspiracy to commit money laundering in violation of 18 U.S.C. §§ 1956 and 1957. (Id. at 1.) The Verified Complaint, and the instant motion, provide the factual basis showing the **Defendant Property** is forfeitable to the United States. (Id. at 4-22; Doc. 8 at 3-17.)

On or before February 23, 2024, the Government served the Verified Complaint on all known potential claimants. (Docs. 3, 5.) Additionally, the Government published the notice of forfeiture on its official website (www.forfeiture.gov) for thirty consecutive days beginning on March 7, 2024. (Doc. 4; Doc. 4-1 at 3.) To date, no person has filed an answer to the Verified Complaint or a claim to the **Defendant Property** in this action.

On May 8, 2024, the Government moved the Clerk of Court to enter Default and supported its motion with an affidavit. (Docs. 6, 6-1.) On May 8, 2024, the Clerk entered the Default. (Doc. 7.) The Government now moves the Court to enter a Default Judgment and Final Order for Delivery against the **Defendant Property** and any potential claimants.

II. DISCUSSION

Federal Rule of Civil Procedure 55 provides for default judgment “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.” FED. R. CIV. P. 55(a). As this Court has explained, “[o]btaining a default judgment is a two-step process.” United States v. Eleven Firearms, No. CV 614-100, 2015 U.S. Dist. LEXIS 93375, at *2-3 (S.D. Ga. July 17, 2015) (citation and internal quotation marks omitted). First, “the plaintiff must seek an entry of default from the clerk of court; and second, after the clerk has made an entry of default, the plaintiff can seek a default judgment.” Id.

Upon a showing by the United States that an entry of default was permissible, the Clerk of Court entered Default on May 8, 2024, thereby completing step one as required by FED. R. CIV. P. 55(a). (Doc. 7.) Through its motion, the United States seeks a Default Judgment and Decree of Forfeiture and Order for Delivery, in accordance with Rule 55(b)(2).

The United States has fully complied with Supplemental Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions (“Rule G”), as required. See Eleven Firearms, 2015 U.S. Dist. LEXIS 93375, at *3-6. The Complaint was verified, established the grounds for subject-matter jurisdiction and venue, described the property with reasonable particularity, stated the location of the property at seizure and filing (though not necessary for intangible property), described the statutory authority for forfeiture, and established the factual basis for forfeiture. Id. (citing Rule G(2)). Further, the United States has met its notice

requirements, through both personal service and publication. Id. (citing Rule G(4)); (See Docs. 3, 4, 5.)

Neither a claim nor an answer was filed within the time period for filing, warranting the entry of a default judgment.

III. CONCLUSION

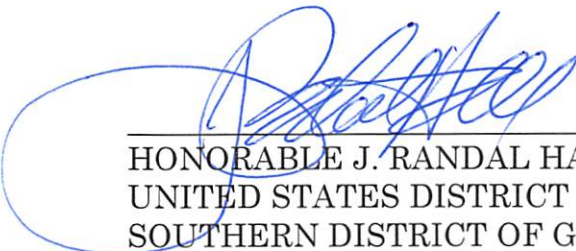
For the reasons stated above, the Government's Motion for Default Judgment and Decree of Forfeiture and Order for Delivery (Doc. 8) is hereby **GRANTED**.

All rights, title, and interest in the **Defendant Property** is hereby forfeited to and vested in the United States, which shall have clear title to this property, may warrant good title to any subsequent transferee, and shall dispose of the property in accordance with the law.

The U.S. Marshals Service, United States Secret Service, and/or any other duly authorized law enforcement agency is authorized to dispose of the **Defendant Property** according to law and regulatory provisions.

The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff, **TERMINATE** all deadlines and motions, and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 4th day of June, 2024.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA