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 10 **October 1998**

Administrative Forfeiture / Notice / Laches / Statute of Limitations

- **Suit for the return of forfeited property should not be dismissed on the basis of laches where the Government was on notice that the claimant had an interest in the seized property but failed to provide him notice of the forfeiture proceeding.**

- **In order for doctrine of laches to apply, Plaintiff must not only have notice of a seizure, but must also be aware of his legal right to challenge the forfeiture and the procedure for doing so.**

- **Suits for recovery of property taken without proper notice are subject to 28 U.S.C. § 2401(a), the general six-year statute of limitations, and laches generally will not be invoked to shorten the statutory period.**

Customs inspectors seized large amounts of cash from the baggage of two outbound international air travelers who failed to report the currency in accordance with 31 U.S.C. § 5316. Plaintiff (who was not one of the travelers) was observed running away from the scene of the second seizure. He was detained, questioned, and released by the officers; but the U.S. Customs Service (USCS) continued to investigate his connection to the seized cash. Within days of each seizure, the USCS served notices of forfeiture proceedings on the two travelers from whom the cash was seized.

The USCS's investigation revealed that Plaintiff and others were involved in a drug trafficking and money laundering scheme related to both seizures. Plaintiff was arrested but was never served with notice of either forfeiture action, even though one of the travelers told the USCS that the seized cash belonged to Plaintiff. Ultimately, Plaintiff was found guilty of controlling the drug smuggling and money laundering operation and was sentenced to prison. The USCS forfeited all of the cash involved in one of the seizures and 35 percent of the cash involved in the other seizure, returning the balance to the traveler from whom it was seized.

Four years after his conviction, Plaintiff filed suit to recover the amounts seized in the two seizures. The district court dismissed Plaintiff's suit finding that laches barred the claim despite Plaintiff's contention that he had not been aware of his right to challenge the forfeitures. The district court found that:
(1) Plaintiff knew of the seizures at the latest when the currency was introduced against him at his criminal

trial; (2) Plaintiff had failed to offer a sufficient excuse for his delay in seeking return of the money; and (3) the delay prejudiced the Government because Plaintiff's action was not commenced until after the Government had already returned 65 percent of the currency in one of the cases.

On appeal, the **Second Circuit** reversed the district court and held that laches did not apply. A party asserting the defense of laches, the court said, must establish that Plaintiff knew of the defendant's misconduct, that Plaintiff inexcusably delayed taking action, and that the defendant was prejudiced by the delay. Here, the delay was excusable because the Government—despite its investigation and prosecution of the plaintiff and having been told that the seized property belonged to the plaintiff—never sent Plaintiff notice of the forfeiture action.

Under Second Circuit law, the owner of seized property—including an incarcerated defendant—must be made aware of, and provided with an opportunity to challenge, the forfeiture. *Weng v. United States*, 137 F.3d 709, 714-15 (2d Cir. 1998). The panel acknowledged that Plaintiff may have known about the seizures by the time the currency was introduced at his trial. But knowing that property has been seized is not the same as knowing that a forfeiture proceeding is underway or that there is a procedure for challenging the forfeiture. Because the Government never gave Plaintiff notice of the forfeiture proceeding and the procedure for contesting it, the panel could not agree that Plaintiff had "slept on his rights" and inexcusably delayed seeking recovery.

The panel found it significant that Plaintiff's claim was timely under the applicable six-year statute of limitations. 28 U.S.C. § 2401(a); *see Boero v. DEA*, 111 F.3d 301, 305 n.5 (2d Cir. 1997). Laches, the court said, will not generally be invoked to shorten the statutory period. —*JHP*

Ikelionwu v. United States, ___ F.3d ___, No. 97-6098, 1998 WL 449016 (2d Cir. Aug. 5, 1998). Contact: AUSA Elliot M. Schachner, ANYE12(eschachn).

Administrative Forfeiture / Notice / Statute of Limitations

- **District court holds that incarcerated defendants are entitled to actual notice of administrative forfeiture.**
- **Remedy for inadequate notice of administrative forfeiture proceedings is a judicial determination on the merits even where the statute of limitations seemingly bars commencement of a new forfeiture action.**

The Government administratively forfeited several pieces of property owned by the defendant, who subsequently filed a motion for its return on the grounds that he had not received notice of the

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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.

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forfeiture proceedings and was thus denied due process. The district court denied the motion, but the Sixth Circuit reversed and remanded with instructions to hold an evidentiary hearing to determine the adequacy of notice.

On remand, the district court found it unnecessary to hold an evidentiary hearing because documentary evidence filed by the Government showed that notice had been inadequate as a matter of law. The court agreed with *Weng v. United States* 137 F.3d 709, 712 (2d Cir. 1998) (summarized in the *Quick Release,* April 1998, at 12-13), and other decisions, holding that due process requires that an incarcerated property owner must receive actual notice of the administrative forfeiture proceeding against his property. Because the Government failed to prove that the defendant received actual notice in prison, the court concluded that the notices were constitutionally insufficient. The court added that, even under a less stringent standard not requiring actual notice, the defendant was denied due process because the notices were sent to an erroneous prison post office box number, and the Government had not shown that they were ever redirected to defendant's correct address. In addition, the Government failed to rebut defendant's allegation that he was no longer in that prison when the notices were mailed there.

The Government's fall-back position was that even if the notice to the defendant was inadequate, it was still entitled to forfeiture because of the absence of any dispute that the property constituted proceeds of criminal activity. The defendant argued that because the Government had discovered the offenses underlying forfeiture more than five years ago, the applicable statute of limitations, 19 U.S.C. § 1621, barred the initiation of forfeiture proceedings and entitled him to the return of the property. The court, however, ruled that the proper remedy for inadequate notice of administrative forfeiture is for the district court to consider the claim on the merits even though the statute of limitations has expired.

On the merits, the court ruled that the Government had established probable cause for forfeiture based on the absence of any substantial income from lawful employment since 1982 or 1983, when defendant had worked at a bakery and helped remodel houses. Given the defendant's minimal employment history and his extensive history of drug-related activity, the court ruled that it was reasonable to conclude that defendant acquired the property at issue in this case through his drug trafficking activities. Given the defendant's failure to make any effort to rebut probable cause, or to prove by a preponderance of the evidence that the property was not subject to forfeiture or that he is an innocent owner, the court denied the defendant's motion for return of the property, ruled that the forfeiture of the property at issue was appropriate, and granted the Government's motion for summary judgment. —*JHP*

United States v. Dusenbery, No. 5:91-CR-291-01 (N.D. Ohio July 28, 1998) (unpublished). Contact: AUSA James L. Morford, AOHN01(jmorford).

Comment: Other courts reaching the same conclusion on the statute of limitations issue include the following: *Boero v. Drug Enforcement Administration*, 111 F.3d 301, 306 (2d Cir. 1997), *United States v. Marolf*, 973 F. Supp. 1139, 1151 (C.D. Cal. 1997), and *Kadonsky v. United States*, No. CA-3:96-CV-2969-BC, 1998 WL 119531 (N.D. Tex. Mar. 6, 1998) (summarized in the *Quick Release*, May 1998, at 4-5). —*JHP*

Administrative Forfeiture / Claims Court / Jurisdiction / Tucker Act / Notice

- **Court of Federal Claims rules that, if the Government's notice of seizure was inadequate, the holder of a mortgage on administratively forfeited property may seek money damages under the Tucker Act for an "improper exaction" and that, if**

the mortgage was destroyed by the forfeiture despite the mortgage holder's innocence, the mortgage holder may seek money damages for a taking without just compensation in violation of the Fifth Amendment.

- **Because the Eighth Amendment does not mandate money damages and goes to the merits of a forfeiture, Court of Federal Claims lacks jurisdiction for claim that a completed forfeiture violated the Eighth Amendment's prohibition of excessive fines.**

Plaintiff, an aircraft broker and purchasing agent, obtained and sold an aircraft through an export agent and received a mortgage on the aircraft as part of the sale transaction. Shortly after the sale, the Drug Enforcement Administration (DEA) seized the aircraft for forfeiture under a seizure warrant based on probable cause that the aircraft was intended to facilitate the possession and transportation of illegal drugs in violation of 21 U.S.C. § 881(a)(4) and that it represented drug proceeds in violation of 21 U.S.C. § 881(a)(6).

The purchaser, plaintiff's customer, filed a claim and cost bond, which DEA rejected as untimely, and both the purchaser and the plaintiff filed petitions for remission which DEA eventually rejected. While the petitions were pending, the purchaser and the export agent filed complaints in district court seeking return of the aircraft. The district court dismissed both complaints for lack of jurisdiction. Plaintiff, however, filed a complaint in the Court of Federal Claims seeking damages or other monetary relief.

The complaint alleged that DEA's seizure of the aircraft constituted: (1) an "improper exaction" under the Tucker Act; (2) a taking without just compensation in violation of the Fifth Amendment; and (3) an Excessive Fine under the Eighth Amendment. The Government moved to dismiss on the grounds that the court lacked jurisdiction over a completed administrative forfeiture. The Government also argued that Plaintiff's failure to contest the administrative forfeiture by timely filing a claim and bond barred relief. The court dismissed only Plaintiff's excessive fines claim.

As to the improper exaction claim, the Court of Federal Claims noted that, although it lacked jurisdiction to provide equitable relief for constitutional violations arising out of the forfeiture process, *see United States v. Woodall*, 12 F.3d 791, 794 (8th Cir. 1993), or to review denial of Plaintiff's petition for remission, Plaintiff here sought monetary, not equitable, relief. The court found that none of the claims court cases cited by the *Woodall* decision precluded the court from asserting jurisdiction in such a case, and ruled that jurisdiction could be proper under *Aerolineas Argentinas v. United States*, 77 F.3d 1564, 1572-73 (Fed. Cir. 1996), which ruled that the Court of Federal Claims has jurisdiction over improper exaction claims under the Tucker Act where the plaintiff seeks the return of money that the Government allegedly has exacted, directly or in effect, from the claimant in contravention of the Constitution, a statute, or a regulation. The court then examined the adequacy of the Government's notice of the administrative forfeiture proceeding in order to determine whether the forfeiture might be found to have been an exaction that was contrary to law.

The court found that notice had been sent to Plaintiff, but such notice occurred only after the date for filing a claim and bond had passed and thus could not satisfy due process under *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306 (1950), because it failed to afford Plaintiff an opportunity to contest the forfeiture. However, the court also noted that the aircraft's purchaser, the export agent, and Plaintiff all had the same attorney and that this attorney had received timely actual notice of the forfeiture proceeding verbally at a meeting with DEA. The court found that the cases discussing the adequacy of notice when it is provided to an attorney instead of to the client did not resolve whether DEA's verbal notice was constitutionally adequate because those cases involved notices to attorneys for property owners

involved in criminal proceedings related to the forfeiture. Plaintiff in this case was not involved in a related criminal action. The court decided that it would determine the adequacy of the notice after an evidentiary hearing concerning the attorney's relationship to Plaintiff and the notice that Plaintiff actually had from the attorney.

The Court of Federal Claims also ruled that it had jurisdiction over Plaintiff's alternative claim that the seizure and retention of the aircraft constituted a taking without just compensation in violation of the Fifth Amendment. The court noted that courts had previously dismissed challenges to allegedly wrongful forfeitures brought under the just compensation clause. However, the court pointed out that those cases were dismissed because a claim of taking is made out only when the plaintiffs allege that the relevant government officials were authorized to act as they did, and the plaintiffs in those cases had alleged that government officials had acted outside of the scope of their statutory authority. The court found that the instant case was not premised on unauthorized actions and pointed out also that, for purposes of takings law, a seizure may be within the scope of the Government's authority but still be substantively wrong.

Given the absence of any evidence of Plaintiff's guilt in the offenses underlying the forfeiture, the court found Plaintiff to be an innocent mortgagee for purposes of its consideration of the Government's motion to dismiss. The court ruled that Plaintiff, if it is an innocent mortgage holder, would be eligible to be compensated for the Government's having taken away the value of its mortgage by rendering it unenforceable and effectively destroying it through forfeiture. *See Shelden v. United States*, 7 F.3d 1022 (Fed. Cir. 1993). The court ruled, however, that Plaintiff's innocence is an issue of fact and that, if Plaintiff was not an innocent mortgage holder, Plaintiff would not be entitled to compensation.

The court dismissed Plaintiff's Eighth Amendment excessive fines claim for lack of jurisdiction. The court pointed out that it had no power to decide whether DEA should have forfeited the aircraft and could only decide whether, in doing so, Plaintiff's constitutional rights were violated such that the Tucker Act affords a monetary remedy. It ruled that Plaintiff's excessive fines claim challenged the merits of DEA's action rather than any procedural constitutional defects. *See Litzenberger v. United States*, 89 F.3d 818, 821 (Fed. Cir. 1996). Consequently, it was bound to dismiss for lack of jurisdiction. The court stated that neither it nor the district court could hear collateral challenges on the merits of an administrative forfeiture once it became final, but that, where the law mandates money damages and the Government violates that law, a plaintiff may have a money damages remedy as in Plaintiff's other two claims in this case. The court concluded by pointing out that the Eighth Amendment is not such a money-mandating provision of law.

—*JHP*

Vereda, LTDA v. United States, 41 Cl. Ct. 495 (Cl. Ct. 1998). Contact: Civil Division Attorney Kathie Whipple, CIV02(kwhipple).

Administrative Forfeiture / Notice / Jurisdiction

- **District court finds it has equitable jurisdiction to review an administrative forfeiture where claimant alleges lack of proper notice.**

The Federal Bureau of Investigation (FBI) seized cash and jewelry in connection with Claimant's arrest for violating federal drug laws. The FBI placed notice of impending forfeiture of the property in newspapers and subsequently declared the property forfeited by default, but never gave Claimant specific notice as required. Claimant filed a lawsuit to recover the property, asserting lack of personal notice. The court ordered claimant to show cause why the case should not be dismissed for lack of subject matter jurisdiction.

The Seventh Circuit had previously decided that a district court may retain jurisdiction over administrative forfeiture proceedings based upon considerations of equitable jurisdiction. But before this court exercised its equitable jurisdiction, it had to determine if Claimant had any adequate remedy at law and had suffered irreparable harm. Claimant alleged that he was never given proper notice. If Claimant established lack of notice, then he could not seek recovery in the administrative proceeding, and did not have an adequate remedy at law. Although Claimant never addressed the issue of irreparable harm, the court, relying on *Boero v. Drug Enforcement Admin.*, 111 F.3d 301 (2d Cir. 1997), held that the exercise of equitable jurisdiction was appropriate. *Boero* held that although an administrative forfeiture proceeding has begun and the seized property is removed from its jurisdiction, an exception to this rule is when the property is taken accidentally, fraudulently, or improperly. The Second Circuit ruled that an administrative forfeiture accomplished without notice required by statute constitutes an improper removal from the district court, so that jurisdiction over the property is retained. The Northern District of Illinois held that equity required that the district court retain jurisdiction over the seized property allegedly removed accidentally, fraudulently or improperly. The United States' motion to dismiss was denied and the United States was directed to answer Claimant's complaint.

—*MML*

Cabezudo v. United States, No. 97-C-7971, 1998 WL 544956 (N.D. Ill. Aug. 24, 1998).

Pretrial Restraint / Substitute Assets

- **Second Circuit holds that pretrial restraining orders may not be used to restrain substitute assets.**

A grand jury returned an indictment charging 23 defendants—members and associates of the Gambino organized crime family—with RICO violations predicated on extortion, fraud, loansharking, money laundering, obstruction of justice, illegal gambling, and other offenses. The indictment alleged that the defendants' activities generated as much as $20 million in criminal proceeds. The indictment sought criminal forfeiture of specified assets, including the $20 million in cash proceeds, and included notice that "substitute assets" would be sought if any of the specified assets were unavailable for forfeiture. It identified as substitute assets various parcels of real property, money in bank accounts, interests in corporations, and automobiles.

The Government sought and obtained a post-indictment, pretrial restraining order against both the directly forfeitable assets and the substitute assets. Defendant thereafter moved to vacate that part of the restraining order directed at substitute assets and the district court granted the motion. A unanimous panel of the **Second Circuit** affirmed.

The panel noted that the restraining order provisions of the RICO forfeiture statute, 18 U.S.C. § 1963(d)(1)(A), facially refer only to directly forfeitable assets under section 1963(a) and make no reference whatsoever to the substitute assets provision, section 1963(m). It then turned to the Second Circuit ruling in *United States v. Regan*, 858 F.2d 115 (2d Cir. 1988). The panel in *Regan* reviewed what it considered to be an overly broad restraining order which froze *all* assets of an investment partnership, including those of unindicted third parties. It remanded the case for entry of a more narrowly tailored restraining order that would afford greater protection to the financial interests of

the unindicted third parties within the partnership. In doing so, the panel noted that section 1963(m)(5) allows forfeiture of substitute assets when directly forfeitable assets have been commingled with other property that cannot be divided without difficulty. It then stated that "[a]lthough this provision concerns the ultimate forfeiture, it surely suggests that restraining orders entered before forfeiture should be concerned with preserving assets equivalent in value to the potentially forfeitable property, and not necessarily the precise property."

This passage in *Regan* has often been cited as authority for the pretrial restraint of substitute assets in the Second Circuit. The panel stated, however, that the issue of pretrial restraint of substitute assets had neither been presented nor resolved in *Regan*; rather the panel in that case had merely suggested a "compromise solution" to the overly-broad restraining order and none of the parties had objected to the proposal. Thus, the court viewed the propriety of a pretrial restraining order against substitute assets as one of "first impression" within the Second Circuit.

The court then reviewed the case law in other circuits and noted that the Fourth Circuit, the lone circuit to uphold as valid a pretrial restraining order against substitute assets, based its decision largely on RICO's legislative history and purpose. Holding that where a statute is plain on its face, a court may not resort to legislative history or statutory purpose, the panel concluded that the unambiguous language of section 1963(d)(1)(A) does not authorize the pretrial restraint of substitute assets pursuant to section 1963(m). —*HSH*

United States v. Gotti, ___ F.3d ___, 1998 WL 568974 (2d Cir. Sept. 8, 1998). Contact: AUSA Bart van de Weghe, ANYSW01(bvandewe).

Comment: The Second Circuit, which many prosecutors and courts had read as authorizing the pretrial restraint of substitute assets, now joins the majority view that pretrial restraints of substitute assets is not authorized. *See United States v. Field*, 62 F.3d 246, 249 (8th Cir. 1995); *United States v. Ripinsky*, 20 F.3d 359, 363 (9th Cir. 1994); *In re Martin*, 1 F.3d 1351, 1359 (3d Cir. 1993); *United States v. Floyd*, 992 F.2d 498, 502 (5th Cir. 1993). The Fourth Circuit now stands alone in permitting such restraint of substitute assets. *See In re Billman*, 915 F.2d 916, 921 (4th Cir. 1990) ("we believe that when, as here, the defendant has placed the assets specified in subsection [1963](a) beyond the jurisdiction of the court, subsection (d)(1)(A) must be read in conjunction with subsection (m) to preserve the availability of substitute assets pending trial"). The Asset Forfeiture and Money Laundering Section continues actively to seek a "legislative fix" for this problem which is entirely one of statutory construction. It should be noted in this regard that the panel in *Gotti* opined in dictum that "the pre-trial restraint of substitute assets might arguably serve the stated legislative purpose of preserving assets for forfeiture upon conviction." Assistant U.S. Attorneys in circuits following the majority view should consider seeking the equivalent to such a restraining order under the All Writs Act, 28 U.S.C. § 1651. —*HSH*

Administrative Subpoenas / Double Jeopardy

- **Telephone subscriber lacks standing to contest administrative subpoena of his phone records by the Drug Enforcement Administration (DEA) under 21 U.S.C. § 876.**
- **The "law of the case" doctrine bars defendants who lost their double jeopardy arguments before the Supreme Court decided *Ursery* from reasserting those arguments on the ground that *Ursery* is distinguishable.**

In the course of a drug trafficking investigation, DEA served an administrative subpoena, pursuant to

21 U.S.C. § 876, on the phone company for Defendant's telephone records. Defendant objected that DEA's subpoena was unlawful because such subpoenas may only be used in conjunction with an agency hearing.

The district court referred to this interpretation of section 876 as "novel," but did not address it on the merits. Instead, the court held that Defendant had no standing to object to a subpoena served on a third party.

Defendant also contended that the administrative forfeiture of his Rolex watch and other property barred his criminal prosecution because it would violate the Double Jeopardy Clause. Defendant argued, for various reasons, that the Supreme Court's decision in *Ursery* was distinguishable.

The court noted that before *Ursery* was decided, it had granted Defendant's double jeopardy motion, but that order was reversed by the Ninth Circuit on the ground that an administrative forfeiture did not constitute prior jeopardy. (*Note*: This case gained some notoriety during the "double jeopardy era" and was known as the "Rolex watch case.") Because Defendant had already lost his double jeopardy argument in the Ninth Circuit on grounds that were independent of the Supreme Court's decision in *Ursery*, the court concluded, even if Defendant were correct that *Ursery* did not apply, the "law of the case" doctrine still barred Defendant from reasserting the double jeopardy claim. —*SDC*

United States v. Plunk, 153 F.3d 1011 (9th Cir. 1998). Contact: AUSA Betsy O'Leary, AAK01(boleary).

Res Judicata

- **First Circuit holds that when a civil forfeiture action is dismissed with prejudice, a criminal forfeiture action against the same property is barred by principles of *res judicata.***

The United States filed a civil forfeiture action against realty in Maine titled in the name of Patrick Cunan, whom the Government alleged to be a straw owner for Narcotics Trafficker Richard DeCato. Only Cunan filed claims in those cases. Later, Cunan and DeCato were indicted in Massachusetts. The indictment sought forfeiture of the Maine properties. The district court in Maine then dismissed with prejudice the Maine civil actions, with the agreement of, or at least without the objection of, the Government. Then, the district court in Boston granted Cunan's motion to dismiss the Maine properties from the criminal indictment on the ground that the dismissals with prejudice were *res judicata* as to the forfeiture of those properties.

The Government had also instituted a civil forfeiture action in New Hampshire against Cunan's business, which he had used to launder DeCato's drug money. The New Hampshire court stayed that case. However, it later granted Cunan's motion to lift the stay, over the Government's objection, and set trial of that case to commence at the same time as the criminal case in Boston. Therefore, the Government moved to dismiss the New Hampshire case without prejudice. The court denied that motion. (The Government then moved to dismiss the count of the complaint which sought to forfeit Cunan's business pursuant to 18 U.S.C. § 981, leaving the count which sounded under 21 U.S.C. § 881(a)(7). The criminal forfeiture was based on 18 U.S.C. § 982. The court also denied this motion to dismiss.) Then, the Government agreed to dismiss the New Hampshire complaint with prejudice.

DeCato pled guilty. Cunan was found guilty by a jury and his New Hampshire business ordered forfeited. But the court then granted Cunan's motion to dismiss the criminal forfeiture allegations against that business on the grounds that the dismissal with prejudice of the New Hampshire case barred the criminal forfeiture on the ground of *res judicata,* also known as "issue preclusion." The **First Circuit** affirmed. It explained that issue preclusion:

> bars a subsequent action whenever three criteria are met: 1) there is a final judgment on the merits in

an earlier action; 2) "sufficient identity" exists between the parties in the earlier and later suits, and 3) "sufficient identity" exists between the causes of action in the two suits.

The court noted that "a voluntary dismissal with prejudice is ordinarily deemed a final judgment that satisfies the *res judicata* criterion." It stated that it is undisputed that the civil and criminal actions "involved the same parties."

The First Circuit declared that forfeiture must be made an exception to the general rule that claims preclusion does not exist between a civil and a criminal action. It explained that the reason for the general rule is that the remedy sought in civil and criminal actions is usually quite dissimilar; conviction is sought on in criminal cases. However, the remedy sought in both civil and criminal forfeiture actions is the same forfeiture of identical pieces of property. The court explained that a reason for the rule it was formulating is to prevent the Government from having a "second bite at the apple."

Although the Government had emphasized the numerous differences between civil and criminal forfeiture, the First Circuit responded that claim preclusion does not require an exact match between two cases. The panel said that it didn't understand why, when the district court in New Hampshire lifted the three-year-old stay of the civil case, the Government did not move for an extension of the stay—because a denial of that motion would have given the Government good grounds for appeal. The court also said that it couldn't understand why the Government hadn't appealed the denial of its motion for a dismissal without prejudice.

The opinion noted that the Government has the right to pursue criminal and civil forfeiture simultaneously. —*BB*

United States v. Cunan, ___ F.3d ___, 1998 WL 611771, Nos. 96-1235, 97-1470 (1st Cir. Sept. 17, 1998). Contact: AUSA Richard Hoffman, AMA01(rhoffman), and AFMLS Attorney Barry Blyveis, CRM20(bblyveis).

Quick Notes

■ Criminal Forfeiture / Sentencing

On appeal from a criminal conviction, the Government *sua sponte* advised the appellate court that the criminal forfeiture order was not pronounced in Defendant's presence, as required in the **District of Columbia Circuit**. *See United States v. Gaviria*, 116 F.3d 1498 (D.C. Cir. 1997) (failure to announce the forfeiture portion of the defendant's sentence in his presence, as required by Rule 43(a), means that forfeiture order must be vacated). Rather than have the case remanded for resentencing, the Government asked the appellate court to vacate the forfeiture. The Government's rationale was that the forfeiture did not justify the expense of resentencing. The court complied with the Government's request and the forfeiture was vacated.

United States v. Glover, 153 F.3d 749 (D.C. Cir. 1998). Contact: AUSA Richard Edwards, ADC12(redwards).

■ Excessive Fines

Defendant filed a pretrial motion to dismiss a criminal forfeiture count on the ground that the forfeiture under section 982(a)(1) would be grossly disproportional to the money laundering offenses alleged in the indictment. The court ruled that the Eighth Amendment challenge was premature. Nothing in the indictment, and nothing submitted by Defendant, the court said, suggested a basis for concluding that the forfeiture would violate the Eighth Amendment under the Supreme Court's *Bajakajian* decision. The court implied that the constitutional issue might be revisited after the Government met its burden at trial of proving the nexus between the property and the money laundering by a preponderance of the evidence.

United States v. Bulei, No. CRIM-98-267-1, 1998 WL 544958 (E.D. Pa. Aug. 26, 1998)

(unpublished). Contact: AUSA Ewald Zittlau, APAE11(ezittlau).

■ Excessive Fines / Retroactive Application of *Bajakajian*

Claimant filed a Rule 60(b)(6) motion claiming that *Bajakajian* required the return of property that had been civilly forfeited as unreported currency in a CMIR case. The district court held that *Bajakajian* does not apply retroactively to closed civil forfeiture cases.

United States v. $265,522.00 in U.S. Currency, No. CIV-A-90-5773, 1998 WL 546850 (E.D. Pa. Aug. 27, 1998). Contact: AUSA Nancy Griffin, APAE12(ngriffin).

■ Rule 41(e) Motion / Interest

Following his conviction on federal drug charges, Defendant filed a Rule 41(e) motion for the return of the money seized at the time of his arrest by local police. The Government did not object to the return of the seized funds, which had at all times remained in the custody of the local police, but did object to the payment of accrued interest. The district court held that Defendant had no right to seek the recovery of interest from the United States, but was required to seek relief in the state courts.

United States v. Washington, No. 94-CR-6032-T (W.D.N.Y. Aug. 19, 1998) (unpublished). Contact: AUSA Christopher Tuite, ANYWR01(ctuite).

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Topical Index

The following cases have appeared in the *Quick Release* during 1998 and are 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 the *Quick Release*.

Administrative Forfeiture

• ***Cabezudo v. United States***, No. 97-C-7971, 1998 WL 544956 (N.D. Ill. Aug. 24, 1998) Oct. 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

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

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

• ***Ikelionwu v. United States***, ___ F.3d ___, No. 97-6098, 1998 WL 449016 (2d Cir. Aug. 5, 1998) Oct. 1998

Juda v. Nerney, 149 F.3d 1190 (10th Cir. 1998) (Table) Aug. 1998

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 119531 (N.D. Tex. Mar. 6, 1998) (unpublished) 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. Aguilar, 8 F. Supp. 2d 175, (D. Conn. 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

• ***United States v. Dusenbery***, No. 5:91-CR-291-01 (N.D. Ohio July 28, 1998) (unpublished) Oct. 1998

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

• ***Vereda, LTDA v. United States***, 41 Cl. Ct. 495 (Cl. Ct. 1998) Oct. 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

Administrative Subpoenas

• ***United States v. Plunk***, 153 F.3d 1011 (9th Cir. Alaska 1998) Oct. 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

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

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

United States v. One Parcel of Real Estate Located at 25 Sandra Court, 135 F. Supp. 462 (7th Cir. 1998) Mar. 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. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), 3 F. Supp. 2d 31 (D.D.C. 1998) May 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. Bennett, 147 F.3d 912 (9th Cir. 1998) July 1998

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

United States v. East Carroll Correctional Systems, Inc., ___ F. Supp. 2d ___, No. 3:96-30005-0, 1998 WL 480663 (W.D. La. July 22, 1998) Sept. 1998

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

United States v. Ida, ___ F. Supp. 2d ___, No. S1-96-CRIM-430 (LAK), 1998 WL 429869 (S.D.N.Y. July 27, 1998) Sept. 1998

United States v. McClung, 6 F. Supp. 2d 548 (W.D. Va. 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

United States v. Stewart, No. CRIM-A-96-583, 1998 WL 472466 (E.D. Pa. July 24, 1998) Sept. 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

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

United States v. $515,060.42 in U.S. Currency, 152 F.3d 491 (6th Cir. 1998) July 1998

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

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

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

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

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

Bona Fide Purchaser

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), 3 F. Supp. 2d 31 (D.D.C. 1998) May 1998

United States v. McClung, 6 F. Supp. 2d 548

(W.D. Va. 1998) July 1998

Burden of Proof

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

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

Claims Court

- *Vereda, LTDA v. United States*, 41 Cl. Ct. 495 (Cl. Ct. 1998) Oct. 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

United States v. Real Property Located at 1323 South 10th Street, No. CIV-A-91-5848, 1998 WL 470161 (E.D. Pa. Aug. 11, 1998) (unpublished) Sept. 1998

Comity

Habiniak v. Rensselaer City Municipal Corp., 5 F. Supp. 2d 87 (N.D.N.Y. 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

Corporate Assets

United States v. Simmons, ___ F.3d ___, Nos. 97-4025, 98-1070, and 97-4027 (8th Cir. Aug. 17, 1998) Sept. 1998

Court of Federal Claims

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

Criminal Forfeiture

Clifford v. United States, 136 F.3d 144

(D.C. Cir. 1998) Apr. 1998

United States v. Barnette, 129 F.3d 1179 (11th Cir. 1997) Jan. 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. Glover***, 153 F.3d 749 (D.C. Cir. 1998) Oct. 1998

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

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

Currency Seizure

Arango v. United States, No. 97-C-8813, 1998 WL 417601 (N.D. Ill. July 20, 1998) (unpublished) 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 in U.S. Currency, 8 F. Supp. 2d 1300 (N.D. Okla. 1998) Aug. 1998

Customs Service

Couvertier v. Bonar, ___ F. Supp. 2d ___, No. CIV-97-1768(RLA), 1998 WL 481273 (D.P.R. Aug. 3, 1998) Sept. 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

Delay

Juda v. Nerney, 149 F.3d 1190 (10th Cir. 1998) (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) (unpublished) Aug. 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. Gonzalez, No. 96-365-2, 1998 WL 95703 (E.D. Pa. Apr. 22, 1998) (unpublished) June 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

Disposition of Forfeited Property

United States v. Zinner, No. CRIM-A-95-0048, 1998 WL 437270 (E.D. Pa. July 30, 1998) (unpublished) Sept. 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. $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. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

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

United States v. $189,825 in U.S. Currency, 8 F. Supp. 2d 1300 (N.D. Okla. 1998) Aug. 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

Double Jeopardy

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

United States v. Abrego, 141 F.3d 142 (5th Cir. 1998) July 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. Plunk***, 153 F.3d 1011 (9th Cir. 1998) Oct. 1998

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

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

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) Mar. 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. One Parcel of Land etc. 13 Maplewood Drive, No. CIV-A-94-40137, 1997 WL 567945 (D. Mass. Sept. 4, 1997) (unpublished) Jan. 1998

Effect of Sentence

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

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

Eighth Amendment

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

Employee Benefits

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

Excessive Fines

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

• ***United States v. $265,522.00 in U.S. Currency***, No. CIV-A-90-5773, 1998 WL 546850 (E.D. Pa. Aug. 27, 1998) Oct. 1998

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

• ***United States v. Bulei***, No. CRIM-98-267-1, 1998 WL 544958 (E.D. Pa. Aug. 26, 1998) (unpublished) (D.C. Cir. 1998) Oct. 1998

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

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

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

United States v. Parcel of Real Property . . . 154 Manley Road, 4 F. Supp. 2d 65 (D.R.I. 1998) June 1998

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

United States v. Real Property Known as 415 East Mitchell Ave., 149 F.3d 472 (6th Cir. 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, ___ F. Supp. ___, 1998 WL 436354 (S.D. Tex. Apr. 2, 1998) (unpublished) June 1998

Foreclosure

Habiniak v. Rensselaer City Municipal Corp., 5 F. Supp. 2d 87 (N.D.N.Y. 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

Juda v. Nerney, 149 F.3d 1190 (10th Cir. 1998) (Table) Aug. 1998

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

United States v. Property Identified as Lot Numbered 718, ___ F. Supp. 2d ___, No. CIV-A-96-2100-LFO, 1998 WL 601582 (D.D.C. July 29, 1998) Sept. 1998

Gross Proceeds

United States v. Simmons, ___ F.3d ___, Nos. 97-4025, 98-1070, and 97-4027 (8th Cir. Aug. 17, 1998) Sept. 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, 152 F.3d 491 (6th Cir. 1998) — July 1998

- ***United States v. Washington***, No. 94-CR-6032-T (W.D.N.Y. Aug. 19, 1998) (unpublished) — Oct. 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

Joint and Several Liability

United States v. Simmons, ___ F.3d ___, Nos. 97-4025, 98-1070, and 97-4027 (8th Cir. Aug. 17, 1998) — Sept. 1998

Jurisdiction

- ***Cabezudo v. United States***, No. 97-C-7971, 1998 WL 544956 (N.D. Ill. Aug. 24, 1998) — Oct. 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

- ***Vereda, LTDA v. United States***, 41 Cl. Ct. 495 (Cl. Ct. 1998) — Oct. 1998

Jury Trial

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

Laches

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

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

Lis Pendens

United States v. Property Identified as Lot Numbered 718, ___ F. Supp. 2d ___, No. CIV-A- 96-2100-LFO, 1998 WL 601582 (D.D.C. July 29, 1998) — Sept. 1998

Lottery Tickets

Couvertier v. Bonar, ___ F. Supp. 2d ___, No. CIV-97-1768(RLA), 1998 WL 481273 (D.P.R. Aug. 3, 1998) — Sept. 1998

Money Laundering

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

United States v. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) — Jan. 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. 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. Bornfield, 145 F.3d 1123 (10th Cir.1998) June 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. Hawkey, 148 F.3d 920 (8th Cir. 1998) Aug. 1998

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

United States v. Leos-Hermosillo, Crim. No. 97-CR-1221-BTM (S.D. Cal. June 19, 1998) (unpublished) 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. Saccoccia, Crim. No. 91-115T (D.R.I. May 8, 1998) June 1998

United States v. Trost, 152 F.3d 715 (7th Cir. 1998) Sept. 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. U.S. Currency ($199,710.00), No. 96-CV-241(ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 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

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

- ***Cabezudo v. United States***, No. 97-C-7971, 1998 WL 544956 (N.D. Ill. Aug. 24, 1998) Oct. 1998

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

- ***Ikelionwu v. United States***, ___ F.3d ___, No. 97-6098, 1998 WL 449016 (2d Cir. Aug. 5, 1998) Oct. 1998

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

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

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

United States v. Aguilar, 8 F. Supp. 2d 175, (D. Conn. 1998) Aug. 1998

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

- ***United States v. Dusenbery***, No. 5:91-CR-291-01 (N.D. Ohio July 28, 1998) (unpublished) Oct. 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. The Lido Motel, 5145 North Golden States, 135 F.3d 1312 (9th Cir. 1998) Mar. 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

- ***Vereda, LTDA v. United States***, 41 Cl. Ct. 495 (Cl. Ct. 1998) Oct. 1998

Weng v. United States, 137 F.3d 709 (2d Cir. 1998) Apr. 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. Jiang, 140 F.3d 124 (2d Cir. 1998) May 1998

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

United States v. Property Identified as Lot Numbered 718, ___ F. Supp. 2d ___, No.CIV-A-96-2100-LFO, 1998 WL 601582 (D.D.C. July 29, 1998) Sept. 1998

Prejudgment 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

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 460293 (N.D. Tex. Aug. 4, 1998) Sept. 1998

Preliminary Order of Forfeiture

United States v. Bennett, 147 F.3d 912 (9th Cir. 1998) July 1998

Pretrial Restraining Order

In Re: Account Nos . . . at Bank One in Milwaukee, 9 F. Supp. 2d 1015 (E.D. Wis. 1998) Aug. 1998

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

- ***United States v. Gotti***, ___ F.3d ___, 1998 WL 568974 (2d Cir. Sept. 8, 1998) Oct. 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. $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. $14,876.00, No. CIV-A-97-1967, 1997 WL 722942 (E.D. La. Nov. 18, 1997) (unpublished) Jan. 1998

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

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

United States v. $189,825 in U.S. Currency, 8 F. Supp. 2d 1300 (N.D. Okla. 1998) Aug. 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, 989 F. Supp. 1465 (S.D. W. Va. 1998) May 1998

United States v. Akins, 995 F. Supp. 797 (M.D. Tenn. 1998) Apr. 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 1996 Lexus LX-450, No. 97-C-4759, 1998 WL 164881 (N.D. Ill. Apr. 2, 1998) (unpublished) June 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. U.S. Currency ($199,710.00), No. 96-CV-241 (ERK) (RML) (E.D.N.Y. Mar. 20, 1998) May 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, 148 F.3d 929 (8th Cir. 1998) Aug. 1998

Relation Back Doctrine

United States v. BCCI Holdings (Luxembourg) S.A. (Petition of Amjad Awan), 3 F. Supp. 2d 31 (D.D.C. 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. Lee, ___ F. Supp. ___, No. 93-10075, 1998 WL 419759 (C.D. Ill. July 22, 1998) Aug. 1998

United States v. McClung, 6 F. Supp. 2d 548 (W.D. Va. 1998) July 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

- *United States v. Cunan*, ___ F.3d ___, 1998 WL 611771, Nos. 96-1235, 97-1470 (1st Cir. Sept. 17, 1998) Oct. 1998

Restitution

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

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

Restraining Order

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

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

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

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

Retroactive Application of *Bajakajian*

- *United States v. $265,522.00 in U.S. Currency*, No. CIV-A-90-5773, 1998 WL 546850 (E.D. Pa. Aug. 27, 1998) Oct. 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

United States v. Simmons, ___ F.3d ___, Nos. 97-4025, 98-1070, and 97-4027 (8th Cir. Aug. 17, 1998) Sept. 1998

United States v. Stewart, No. CRIM-A-96-583, 1998 WL 472466 (E.D. Pa. July 24, 1998) Sept. 1998

Rule 41(e)

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

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

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

- ***United States v. Washington***, No. 94-CR-6032-T (W.D.N.Y. Aug. 19, 1998) (unpublished) Oct. 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. Aguilar, 8 F. Supp. 2d 175, (D. Conn. 1998) Aug. 1998

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

United States v. Real Property Located at 1323 South 10th Street, No. CIV-A-91-5848, 1998 WL 470161 (E.D. Pa. Aug. 11, 1998) (unpublished) Sept. 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. $189,825.00 in United States Currency, No. 96-CV-1084-J (N.D. Okla. Feb. 11, 1998) (unpublished) Apr. 1998

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

Section 1983

Jacobs v. City of Port Neches, 7 F. Supp. 2d 829 (E.D. Tex. 1998) July 1998

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

Sentencing

- *United States v. Glover*, 153 F.3d 749 (D.C. Cir. 1998) Oct. 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. 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, 152 F.3d 491 (6th Cir. 1998) July 1998

United States v. Any and All Funds, No. C97-931R (W.D. Wash. Apr. 1, 1998) May 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. Certain Real Property Located at 16397 Harden Circle, No. 95-2387 (6th Cir. May 7, 1998) (unpublished) July 1998

United States v. East Carroll Correctional Systems, Inc., ___ F. Supp. 2d ___, No. 3:96-30005-0, 1998 WL 480663 (W.D. La. July 22, 1998) Sept. 1998

United States v. Ida, ___ F. Supp. 2d ___, No. S1-96-CRIM-430 (LAK), 1998 WL 429869 (S.D.N.Y. July 27, 1998) Sept. 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

State Court Foreclosure Proceedings

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

Statute of Limitations

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

- *Ikelionwu v. United States*, ___ F.3d ___, No. 97-6098, 1998 WL 449016 (2d Cir. Aug. 5, 1998) Oct. 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. 657 Acres of Land in Park County, 978 F. Supp. 999 (D. Wyo. 1997) Jan. 1998

United States v. $515,060.42 in U.S. Currency, 152 F.3d 491 (6th Cir. 1998) July 1998

- *United States v. Dusenbery*, No. 5:91-CR-291-01 (N.D. Ohio July 28, 1998) (unpublished) Oct. 1998

United States v. Twelve Firearms, ___ F. Supp. ___, 1998 WL 436354 (S.D. Tex. Apr. 2, 1998) (unpublished) June 1998

Stay Pending Appeal

United States v. 1993 Bentley Coupe, No. CIV-A-93-1282, 1997 WL 803914 (D.N.J. Dec. 30, 1997) (unpublished) Mar. 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, 1998 WL 37522 (E.D. La. Jan. 29, 1998) (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

In Re: Account Nos . . . at Bank One in Milwaukee, 9 F. Supp. 2d 1015 (E.D. Wis. 1998) Aug. 1998

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

United States v. Bornfield, 145 F.3d 1123 (10th Cir.1998) June 1998

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

• ***United States v. Gotti***, ___ F.3d ___, 1998 WL 568974 (2d Cir. Sept. 8, 1998) Oct. 1998

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

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

Summary Judgment

Ivester v. Lee, 991 F. Supp. 1113 (E.D. Mo. 1998) Mar. 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. $206,323.56 in U.S. Currency, 998 F. Supp. 693 (S.D.W. Va. 1998) May 1998

Tax Deduction for Forfeiture

King v. United States, 152 F.3d 1200 (9th Cir. 1998), *aff'g* 949 F. Supp. 787 (E.D. Wash. 1996) Sept. 1998

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

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

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

Traceable Property

United States v. Hawkey, 148 F.3d 920 (8th Cir. 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

• ***Vereda, LTDA v. United States***, 41 Cl. Ct. 495 (Cl. Ct. 1998) Oct. 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 alphabetical listing of cases 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) (unpublished) 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

Cabezudo v. United States, No. 97-C-7971, 1998 WL 544956 (N.D. Ill. Aug. 24, 1998) Oct. 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

Couvertier v. Bonar, ___ F. Supp. 2d ___, No. CIV-97-1768(RLA), 1998 WL 481273 (D.P.R. Aug. 3, 1998) Sept. 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., 5 F. Supp. 2d 87 (N.D.N.Y. 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

Ikelionwu v. United States, ___ F.3d ___, No. 97-6098, 1998 WL 449016 (2d Cir. Aug. 5, 1998) Oct. 1998

In Re: Account Nos . . . at Bank One in Milwaukee, 9 F. Supp. 2d 1015 (E.D. Wis. 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, 7 F. Supp. 2d 829 (E.D. Tex. 1998) July 1998

Juda v. Nerney, 149 F.3d 1190 (10th Cir. 1998) (Table) Aug. 1998

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

Kadonsky v. United States, No. CA-3:96-CV-2969-BC, 1998 WL 460293 (N.D. Tex. Aug. 4, 1998) Sept. 1998

King v. United States, 152 F.3d 1200 (9th Cir. 1998), *aff'g* 949 F. Supp. 787 (E.D. Wash. 1996) Sept. 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) (unpublished) 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, 8 F. Supp. 2d 1300 (N.D. Okla. 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. $265,522.00 in U.S. Currency, No. CIV-A-90-5773, 1998 WL 546850 (E.D. Pa. Aug. 27, 1998) Oct. 1998

United States v. $515,060.42 in U.S. Currency, 152 F.3d 491 (6th Cir. 1998) July 1998

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

United States v. Aguilar, 8 F. Supp. 2d 175, (D. Conn. 1998) Aug. 1998

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

U.S. v. Alaniz, 148 F.3d 929 (8th Cir. 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), 3 F. Supp. 2d 31, (D.D.C. 1998) May 1998

United States v. Bennett, 147 F.3d 912 (9th Cir. 1998) July 1998

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

United States v. Bornfield, 145 F.3d 1123 (10th Cir.1998) June 1998

United States v. Bulei, No. CRIM-98-267-1, 1998 WL 544958 (E.D. Pa. Aug. 26, 1998) (unpublished) (D.C. Cir. 1998) Oct. 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. Cunan, ___ F.3d ___, 1998 WL 611771, Nos. 96-1235, 97-1470 (1st Cir. Sept. 17, 1998) Oct. 1998

United States v. Cunningham, Crim. 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. Dusenbery, No. 5:91-CR-291-01 (N.D. Ohio July 28, 1998) (unpublished) Oct. 1998

United States v. East Carroll Correctional Systems, Inc., ___ F. Supp. 2d ___, No. 3:96-30005-0, 1998 WL 480663 (W.D. La. July 22, 1998) Sept. 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. Glover, 153 F.3d 749 (D.C. Cir. 1998) Oct. 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. Gotti, ___ F.3d ___, 1998 WL 568974 (2d Cir. Sept. 8, 1998) Oct. 1998

United States v. Hawkey, 148 F.3d 920 (8th Cir. 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. Ida, ___ F. Supp. 2d ___, No. S1-96-CRIM-430 (LAK), 1998 WL 429869 (S.D.N.Y. July 27, 1998) Sept. 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, 6 F. Supp. 2d 548 (W.D. Va. 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, 4 F. Supp. 2d 65 (D.R.I. 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. Plunk, 153 F.3d 1011 (9th Cir. 1998) — Oct. 1998

United States v. Property Identified as Lot Numbered 718, ___ F. Supp. 2d ___, No. CIV-A-96-2100-LFO, 1998 WL 601582 (D.D.C. July 29, 1998) — Sept. 1998

United States v. Real Property Known as 415 East Mitchell Ave., 149 F.3d 472 (6th Cir. 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 1323 South 10th Street, No. CIV-A-91-5848, 1998 WL 470161 (E.D. Pa. Aug. 11, 1998) (unpublished) — Sept. 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. Simmons, ___ F.3d ___, Nos. 97-4025, 98-1070, and 97-4027 (8th Cir. Aug. 17, 1998) — Sept. 1998

United States v. Stewart, No. CRIM-A-96-583, 1998 WL 472466 (E.D. Pa. July 24, 1998) — Sept. 1998

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

United States v. Trost, 152 F.3d 715 (7th Cir. 1998) — Sept. 1998

United States v. Twelve Firearms, ___ F. Supp. ___, 1998 WL 436354 (S.D. Tex. Apr. 2, 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. Washington, No. 94-CR-6032-T (W.D.N.Y. Aug. 19, 1998) (unpublished) — Oct. 1998

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

United States v. Zinner, No. CRIM-A-95-0048, 1998 WL 437270 (E.D. Pa. July 30, 1998) (unpublished) — Sept. 1998

Vereda, LTDA v. United States, 41 Cl. Ct. 495 (Cl. Ct.. 1998) — Oct. 1998

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