

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

APPROXIMATELY 120,084.5390 TETHER
SEIZED FROM BINANCE ACCOUNT
ENDING 4607,

DEFENDANT.

Civil Action No.

1:23-cv-05420-ELR

FINAL ORDER OF FORFEITURE BY DEFAULT

This matter is now before the Court on plaintiff, United States of America's, Motion for Default Judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, as to 120,084.5390 Tether seized on or about August 17, 2023, from the Binance account ending 4607 (the "Defendant Property").

For the reasons stated below, the Court GRANTS the Motion for Default Judgment as to the Defendant Property.

Discussion

On November 27, 2023, the United States filed a Verified Complaint for Forfeiture ("Complaint") against the Defendant, 120,084.5390 Tether seized on or about August 17, 2023, from the Binance account ending 4607 ("Defendant Property"). ([Doc. 1](#)). The factual basis for the forfeiture of the Defendant Property is set forth in the Complaint, which was verified under penalty of perjury by

United States Secret Service (“USSS”) Special Agent Tyler LaBarr and is incorporated herein by reference. ([Doc. 1](#)). This Court has jurisdiction under [28 U.S.C. §§ 1345 and 1355](#), and venue is proper pursuant to [28 U.S.C. § 1355\(b\)\(1\)\(A\)](#).

The Defendant Property was arrested in accordance with Rule G(3) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (hereinafter, “Supplemental Rules”). ([Doc. 4](#)).

The United States notified all potential claimants to the Defendant Property by posting notice of the forfeiture action for 30 consecutive days at www.forfeiture.gov, beginning on January 22, 2024, and ending February 20, 2024. ([Doc. 5](#)).

The United States, as required by Supplemental Rule G(4)(b)(iii), also sent Notice of Filing Complaint for Forfeiture (“Notice”) and a copy of the Complaint to all known potential claimants by means reasonably calculated to reach the potential claimant. As required under Supplemental Rule G(4)(b)(ii), the Notice expressly stated that the deadline to file a claim to the Defendant Property was June 11, 2024, which was 40 days after the Notice was sent, and that an answer or a motion under [Federal Rule of Civil Procedure 12](#) must be filed no later than 21 days after the claim had been filed. ([Doc. 8](#)).

Specifically, on May 2, 2024, the United States sent the Notice and a copy of the Complaint via email to an individual named Verawatt Aphichutniran at a.verawatt@gmail.com. (Declaration of Assistant U.S. Attorney Norman L. Barnett in Support of Request for Entry of Default [“Barnett Decl.”], [Doc. 9-1](#), ¶ 7). Verawatt Aphichutniran previously contacted USSS using this email address,

purporting to be the owner of the Binance account from which the Defendant Property was seized. (Barnett Decl., ¶ 7 & Ex. A).

On May 17, 2024, the United States received email correspondence from an individual named Kridchanok Rowsathien (“Rowsathien”) who identified themselves as a “Thai qualified lawyer based in Bangkok, Thailand.” (Barnett Decl. ¶ 8 & Ex. B). In the email, Rowsathien wrote:

A friend of mine recently introduced me to an individual who claims that his USDT (approximately 120k) traded on Binance Global was forfeited according to the complaint attached to this email. He asserts that he was never involved in the alleged pig butchering scam and wishes to contest the forfeiture. I have yet to discuss the full details of the case with him.

The purpose of my email is to seek your advice on whether there is a way to contest the forfeiture online without appointing a US attorney to handle the case. I apologize for reaching out to you directly, but I want to clarify that I have no personal interest in the USDT owner (Verawatt Aphichutniran). My sole intention is to assist in reclaiming his assets if he is indeed innocent.

In addition, your guidance on law firms that can support this case would be greatly appreciated.

(Barnett Decl., ¶ 8 & Ex. B).

That same day, the United States replied to the email from Rowsathien and said, “Thank you for your correspondence. The procedures for contesting the forfeiture of the Defendant Property are set forth in the Notice of Filing Complaint for Forfeiture that was sent to Verawatt Aphichutniran on May 2, 2024.” *Id.*

No one, including Verawatt Aphichutniran, has filed a verified claim to the Defendant Property as required by Supplemental Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A), and the time in which to do so has expired. (Barnett Decl., ¶ 10).

By not filing a claim to the Defendant Property within the prescribed time limits, all potential claimants, including Verawatt Aphichutniran, have abandoned any claim they might have had to the Defendant Property. Based upon the foregoing, the Court finds the following:

1. That the United States furnished due and legal notice of this proceeding as required by law;
2. That Verawatt Aphichutniran, having failed to file a claim and answer within the time limits set forth by Supplemental Rule G(5) and 18 U.S.C. § 983(a)(4), no longer has standing to contest this forfeiture action; and,
3. That all other potential claimants to the Defendant Property are in default because no claims have been filed since the last date of publication on www.forfeiture.gov.

Therefore, this Court **GRANTS** the United States' Motion for Default Judgment against all potential claimants to the Defendant Property, including Verawatt Aphichutniran. The Clerk shall enter a default judgment in favor of the United States and against the Defendant Property. The interest of Verawatt Aphichutniran in the aforementioned Defendant Property is hereby extinguished. All right, title, and interest in the Defendant Property are forfeited and vested in the United States and shall be disposed of according to law.

SO ORDERED, this 12th day of August, 2024.



ELEANOR L. ROSS
UNITED STATES DISTRICT JUDGE