

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-21253  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ONE (1) ROLEX WATCH, Serial #A328055,

Defendant,

SIKAN ESSIEN,

Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CV-105  
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June 18, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Sikan Essien appeals the default judgment entered in favor of the Government in this 18 U.S.C. § 981 civil forfeiture proceeding against One Rolex Watch, serial #A328055. Essien argues that the search of his residence and the seizure of the Rolex watch violated his Fourth Amendment rights; the district court erred in holding that he was collaterally estopped from challenging the seizure of

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the watch because he pleaded guilty to four counts of possession of counterfeit checks; the Government was required to file a forfeiture action within 90 days after a claim was filed for the return of the seized property; and the Government did not present any evidence showing that the watch was purchased with proceeds derived from a federal crime. Because this forfeiture proceeding commenced on August 22, 2000, prior to the August 23, 2000, effective date of the Civil Asset Forfeiture Reform Act (CAFRA), CAFRA is inapplicable to this case. See Pub. L. No. 106-185 § 21, 114 Stat. 202. Essien did not file a verified claim as required by Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims. Therefore, the district court did not err in entering a default judgment in favor of the Government. See 18 U.S.C. § 981(b)(2); United States v. One 1988 Dodge Pickup, 959 F.2d 37, 42 n.6 (5th Cir. 1992); United States v. \$38,570 United States Currency, 950 F.2d 1108, 1113 (5th Cir. 1992).

AFFIRMED.