

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-20470

United States Court of Appeals
Fifth Circuit

FILED

August 6, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

MONICA BERTMAN, also known as Marsha Zaluska Pavlovich, also known
as Malkah Aliyah Bertman,

Defendant – Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-722-3

Before ELROD, GRAVES, and OLDHAM, Circuit Judges.

PER CURIAM:*

Monica Bertman appeals a final order of forfeiture. Bertman's house was sold for \$1.5 million when the government forfeited her husband Abraham Fisch's interest in the house as substitute property to satisfy the money judgment against him after his conviction.¹ Because Bertman's interest in the

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

¹ See *United States v. Fisch*, 851 F.3d 402 (5th Cir.), *cert. denied sub nom. Fisch v. United States*, 138 S. Ct. 378 (2017).

No. 18-20470

house was not forfeited, Bertman received her share of the sale proceeds. However, \$916,515.30 was first paid to various local taxing authorities for unpaid taxes and to a bank for mortgage payment, interest, and attorney's fees. Next, the government took \$122,289.12 as Fisch's forfeited interest. Bertman received \$226,055.01.

On appeal, Bertman challenges the validity of the taxing authorities' and the bank's third-party claims. Substantially based on the cogent analysis provided by the district court in its orders filed on October 30, 2017 and March 28, 2018, we reject Bertman's challenge.² Bertman also argues that the district court erred in calculating her proceeds. We see no error—much less a plain error—with the district court's calculation as stated in its order filed on June 26, 2018. Accordingly, we AFFIRM the final order of forfeiture substantially for the reasons stated by the district court.

² The district court entered multiple orders all dealing with largely identical issues to address Bertman's repeated and redundant motions to revisit its previous rulings.