

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:08cv702-MHT
EIGHT THOUSAND SIX HUNDRED)	(WO)
(\$8,600) DOLLARS IN UNITED)	
STATES CURRENCY,)	
)	
Defendant.)	

OPINION

This civil-forfeiture proceeding, initiated pursuant to 21 U.S.C. § 801(a)(6), is before the court on plaintiff United States of America's request for a warrant to arrest in rem \$ 8,600 seized during a traffic stop.

Rule G(3)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims provides two avenues for the issuance of an arrest warrant in rem in a civil-forfeiture proceeding. The clerk of the court may issue a warrant if the property "is in the government's

possession, custody or control." Supp. R. Certain Adm. & Mar. Cl. G(3)(b)(i). Alternatively, the court may issue the warrant upon a finding of probable cause. Supp. R. Certain Adm. & Mar. Cl. G(3)(b)(ii).

Because the court is not convinced that there is probable cause based on the information submitted in the government's complaint, the warrant cannot issue under Rule G(3)(b)(ii). However, because the clerk of the court need not make a probable cause finding before issuing a warrant when, as here, the property is in the government's custody, the warrant may issue under Rule G(3)(b)(i). As a matter of policy, the clerk of court of the Middle District of Alabama does not issue warrants pursuant to Rule G(3)(b)(i), but refers requests for such warrants to the court. Accordingly, the court will issue the warrant pursuant to Rule G(3)(b)(i).

DONE, this is 26th day of September, 2008.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE