

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF** )  
**AMERICA,** )  
 )  
Plaintiff, )  
**vs.** )  
 )  
**\$83,274.51 SEIZED FROM** )  
**BBVA COMPASS BANK** )  
**ACCOUNT NUMBER** )  
**XXXX9194,** )  
 )  
Defendant. )

Civil Action Number  
**2:13-cv-153-JEO**

**MEMORANDUM OPINION AND ORDER**

The magistrate judge filed a report and recommendation on July 2, 2013, recommending that Claimant Michael W. McClure’s motion to dismiss and for return of seized funds, doc. 9, be granted in part and denied in part. *See* doc. 16. The Government has filed objections thereto. Doc. 17.

After careful consideration of the record in this case and the magistrate judge’s report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge that Claimant’s motion to dismiss be **GRANTED** in part and **DENIED** in part. The Government has stated a claim for forfeiture pursuant to 18

U.S.C. § 981, and as such, may proceed on that ground. However, because any attempt to use 18 U.S.C. § 984 would be time barred, the Government is prohibited from proceeding under that theory.

**DONE** this 30th day of September, 2013.

A handwritten signature in black ink, appearing to read "Abdul Kallon", written over a horizontal line.

ABDUL K. KALLON  
UNITED STATES DISTRICT JUDGE