

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

UNITED STATES OF AMERICA, <p style="text-align: center;">Plaintiff,</p> v. \$4,047.00, more or less, in U.S. Currency <p style="text-align: center;">Defendant.</p>	* * * * * * * * * *	* CIVIL NO.11-00399-CG-N
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ORDER OF FORFEITURE

This matter is before the Court on plaintiff's Motion for Entry of Order of Forfeiture (Doc. 11). For cause shown, the Motion is **GRANTED**.

On July 22, 2011, a complaint for forfeiture in rem was filed on behalf of the United States against the defendant, \$4,047.00, more or less, in U.S. Currency, to enforce Title 21, United States Code, Section 881(a)(6). As set forth in plaintiff's motion and exhibits, on the same date the plaintiff sent notice and a copy of the Complaint and Notice to all known potential claimants notifying them of their right to file a claim in this Court within thirty five (35) days of the date that said notice was sent and file a motion or answer within 21 days thereafter, in accordance with Supplemental Rule G(4)(b)(ii)(B) and (C). Accordingly, potential claimants Kenneth Moore and Eddie Eaton, who were sent direct notice, had until August 26, 2011 to file a claim, and until September 16, 2011, to file a motion or an answer.¹ Plaintiff

¹ As set forth by plaintiff in its motion and exhibits, it mis-addressed the envelope intended for potential claimant Kevin Moore which upon discovery was resent to him at the correct address. Accordingly, the responsive pleading deadlines for Kevin Moore were later and will be addressed separately.

resent a copy of the Complaint and Notice to potential claimant Kevin Moore notifying him of his right to file a claim in this Court within thirty five (35) days of the date that said notice was sent and file a motion or answer within 21 days thereafter, in accordance with Supplemental Rule G(4)(b)(ii)(B) and (C).

Accordingly, potential claimant Kevin Moore, who was sent direct notice, had until September 21, 2011, to file a claim, and until October 12, 2011, to file a motion or an answer.

None of the potential claimants identified above to whom plaintiff sent direct notice has filed a claim, motion or answer and their time to do so has long since expired.

On July 27, 2011, notice of this seizure and forfeiture action, of the right of any person claiming a legal interest in the defendant property to file with the court a claim within 60 days of the first date of publication and a motion or answer within 21 days thereafter was published on an official government forfeiture internet site at www.forfeiture.gov as authorized by Supplemental Rule G(4)(iv)(C) from July 27, 2011, to August 25, 2011. Accordingly, any putative claimant who received notice from the internet had to file a claim by September 26, 2011, and any motion or answer within 21 days thereafter, by October 17, 2011. Supplemental Rule G(5)(ii)(B). No claims, motions or answers by unknown potential claimants were filed and the time for filing same has long since expired.

All identifiable potential claimants have been sent notice. All potential claimants have had adequate notice and time in which to file a claim, motion, or an

answer. No such claims, motions, or answers have been filed the filing deadlines have expired.

On July 25, 2011, U.S. Marshals Service executed the Warrant For Arrest in rem issued by the Clerk thereby arresting the above-named defendant, which gave the Court in rem jurisdiction over it.

With no claims, motions or answers having been filed in opposition to the forfeiture of said defendants, and there being no remaining issues, final disposition or this action is appropriate at this time.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter and the defendant \$4,047.00, more or less, in U.S. Currency, and the amended complaint states a claim upon which relief may be granted.
2. The defendant \$4,047.00 is forfeited to the United States of America for disposition according to law. A separate Judgment will be entered.
3. This Order and the accompanying Judgment resolving all matters and issues joined in this action, the Clerk of Court is directed to close this file for administrative and statistical purposes.

DONE and ORDERED this 1st day of March, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE