

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SALVATORE F. ALIOTTI,

Plaintiff,

vs.

COREY R. POTTER, in personam,
and F/V MELODY, official number
698044, and her equipment, gear,
furniture, apparel, fixtures, tackle,
boats, machinery anchors and all
appurtenances, in rem,

Defendants.

3:10-cv-144-RRB-JDR

ORDER
REGARDING
MOTION TO HOLD PROCESS
IN ABEYANCE

(Docket No. 4)

Plaintiff having filed an amended complaint in this Court against the defendant vessel F/V MELODY, official number 698044, upon an admiralty and maritime claim for enforcement of a mortgage tort lien, praying for an in rem warrant of arrest of said vessel and her appurtenances, and the court having reviewed the said verified complaint and the motion for order holding process in abeyance,

Docket 4, and the court finding that the plaintiff has shown by a preponderance of the evidence the probable validity of its maritime lien against the vessel,

IT IS HEREBY ORDERED:

That the Clerk of Court is authorized (upon filing of appropriate motions) to issue an in rem arrest warrant for said vessel, and the issuance of said process shall be held in abeyance under supplemental Rule E(3)(2) and Local Admiralty Rule (e)5(a) until the party seeking issuance of process files a written request. The 120-day period of Rule 4(m), F.R.C.P. will not begin to run until the process is actually issued by the Clerk of Court.

DATED this 27th day of August, 2010, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge