

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16CV00168 BSM

\$284,950 IN U.S. CURRENCY

DEFENDANT

NIKKOLAS THOMPSON

CLAIMANT

ORDER

The United States is seeking to forfeit \$284,950 in cash that was seized from claimant Nikkolas Thompson at the Little Rock airport when he was attempting to take a flight to California. TSA agents, examining Thompson's luggage, discovered a false bottom in Thompson's suitcase that contained the money and contacted the Little Rock Police Department and the Department of Homeland Security. A drug dog alerted to an odor of narcotics emanating from the suitcase.

The United States is seeking forfeiture of the money, claiming it is the product of illegal drug sales. This position is based on the positive canine alert and the fact that the money was hidden in a secret compartment of Thompson's suitcase. In response, Thompson claims ownership of the money and is seeking its return. He argues that he and his girlfriend/business partner jointly own the money. He states the money was earned in his and his girlfriend's separate paid employment and in their business. He states that he was on his way to Ontario, California to scout prospective locations for a new studio for his business and brought cash so he could purchase the property if he found something that would work.

After Thompson filed his claim and Answer, this case was stayed until completion of the criminal investigation into Thompson's activities. *See* Doc. No. 11. During this time, the United States has received electronic discovery from Thompson to go along with all of the items seized during its criminal investigation. In addition, the United States has served special interrogatories, which Thompson has answered and supplemented.

Having reviewed and considered the entire record, the United States's motion [Doc. No. 13] to strike Thompson's verified claim and answer is denied. The United States's motion [Doc. No. 19] for leave to file a reply in support of its motion to strike and Thompson's motion [Doc. No. 21] to strike the United States's motion for leave to file a reply are denied as moot. With the exception of interrogatory number five, Thompson is ordered to supplement his responses to the special interrogatories as requested by the United States within 21 days of the date of this order. *See* Doc. No. 13-9 (United States letter asking Thompson to supplement answers to special interrogatories).

Although the United States argues that Thompson has failed to sufficiently make a claim (either on his own or on behalf of his and his girlfriend's business) to the money, the bar that Thompson must chin to adequately plead a claim to the money is fairly low. *See U.S. v. \$746,198 in U.S. Currency, more or less*, 299 F. Supp. 2d 923, 927–30 (S.D. Iowa 2004) (holding that an explanation that evidences some legitimate and legal claim to the property at issue is enough to make a claim). Thompson's explanation of his ownership interest in the money is sufficient to make a claim to the money.

Finally, the United States's motion [Doc. No. 12] to continue the trial and for the issuance of an amended scheduling order is granted. The case is hereby returned to the active docket and an amended scheduling order will issue.

IT IS SO ORDERED this 27th day of July 2017.



UNITED STATES DISTRICT JUDGE