

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Civil No. 06-5183

\$9,447.00 IN UNITED STATES CURRENCY

DEFENDANT

O R D E R

Now on this 11th day of January, 2007, comes on for consideration a letter request (filed as document #10 and referred to herein as a **Motion For Reconsideration**) in which Pilar German Villalobos asks the Court to reconsider the forfeiture of \$9,447.00, which he alleges to be his "life savings."

A review of the file in this matter indicates that Villalobos was personally served with a copy of the Verified Complaint Of Forfeiture, Summons and Order Of Arrest on October 25, 2006, and failed to assert a claim to the funds or to make answer to the Complaint.

Were that all there was to the matter, the Court would not find it necessary to take action on the Motion For Reconsideration. The Court notes, however, that at the time Villalobos was served with the papers listed above, he was detained at the Benton County Detention Center. Because Villalobos was provided with the services of an interpreter at his initial appearance, arraignment, change of plea hearing, and sentencing, the Court believes that he is not fluent in English, and there is no evidence that he had the services of a translator

while at the Benton County Detention Center. Thus the Court finds it entirely possible that Villalobos did not understand the meaning of the papers he received.

In addition, the Certificate of Service on the Motion For Decree Of Forfeiture states that the motion was filed electronically "with the Clerk of Court using the CM/ECF System which will send notification of such filing to" Villalobos. The CM/ECF filing system does not, however, result in automatic notification to a *pro se* litigant. It is up to the moving party to serve *pro se* parties by conventional means, such as mail or personal service. Thus, it appears that Villalobos may not have received notice of the motion which resulted in the entry of the Decree Of Forfeiture.

For these reasons, the Court believes that the matter should be reopened for consideration of Villalobos' claim on its merits.

IT IS THEREFORE ORDERED that the **Motion For Reconsideration** (document #10) is **granted**.

IT IS FURTHER ORDERED that the Clerk of Court furnish copies of this Order and all documents heretofore filed in this matter to Pilar German Villalobos at the following address:

Pilar German Villalobos
07811010.C.6
Rivers Correctional Institute
P.O. Box 630
Winton, N.C. 27986

IT IS FURTHER ORDERED that Villalobos will be allowed thirty

(30) days from the date of this Order to file a Verified Statement of Interest, and twenty (20) days after that date to file an Answer to the Verified Complaint Of Forfeiture.

IT IS SO ORDERED.

 /s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE