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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$3,199.20 in U.S.
Currency, et al.,

Defendants.

) 1:07-cv-01587 AWI GSA

) **ORDER DIRECTING THE PARTIES TO**
) **ADDRESS THE PROCEDURAL**
) **POSTURE OF THIS CASE**

In preparation of the Initial Scheduling Conference set for February 15, 2012, the parties will be prepared to address the procedural posture of this matter.

More specifically, Rule G(5)(b) of the Federal Rules of Civil Procedure provides that a “claimant must serve and file an answer to the complaint or a motion under Rule 12 within 21 days after filing the claim. A claimant waives an objection to in rem jurisdiction or to venue if the objection is not made by motion or stated in the answer.” See also 18 U.S.C. § 983(a)(4).

As the claims at issue were filed on January 30, 2008, answers or motions were due no later than February 20, 2008. Yet, when this matter was stayed pursuant to stipulation on April 24, 2008, neither answers nor motions had yet been filed in either this matter or the related

1 miscellaneous action. Moreover, to date, neither an answer or a motion has been filed on behalf
2 of either claimant.

3 In the alternative, and prior to the Initial Scheduling Conference, the parties may enter
4 into the appropriate stipulation addressing this matter.

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6
7 IT IS SO ORDERED.

8 **Dated: February 9, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE