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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
APPROXIMATELY \$7,960.00 IN U.S.  
CURRENCY,  
  
APPROXIMATELY \$2,260.00 IN U.S.  
CURRENCY,  
  
APPROXIMATELY \$3,195.00 IN U.S.  
CURRENCY,  
  
APPROXIMATELY \$3,927.00 IN U.S.  
CURRENCY, and  
  
2007 CADILLAC ESCALADE EXT, VIN:  
3GYFK62837G222266, LICENSE  
NUMBER 8W03721,  
  
Defendants.

No. 2:10-CV-02167-MCE-KJN

ORDER STRIKING CLAIMS OF  
JAMARUS SMITH AND MONIQUE  
BANKS PURSUANT TO RULE  
G(8)(c) OF THE SUPPLEMENTAL  
RULES FOR ADMIRALTY OR  
MARITIME AND ASSET  
FORFEITURE ACTIONS

Presently before the Court is the United States' Motion to  
Strike the Claims of Jamarus Smith and Monique Banks pursuant to  
Rule G(8)(c)(i)(A)-(B) of the Supplemental Rules for Admiralty or

1 Maritime Claims and Asset Forfeiture Actions (the "Supplemental  
2 Rules"). No opposition was made to the Motion on behalf of either  
3 Smith or Banks. After having read and considered the motion, and  
4 good cause appearing therfor, the Court finds as follows:

5 1. On October 6, 2011, the parties filed a joint status  
6 report in the case. In the joint status report, the parties  
7 specified that claimants Jamarus Smith and Monique Banks' answers  
8 would be filed no later than November 5, 2011.

9 2. Supplemental Rule G(5)(b) provides that a claimant must  
10 file an answer or a Rule 12 motion within twenty-one days after  
11 filing a claim. If the claimant does not file an answer or a Rule  
12 12 motion, the United States may move to strike a claim or answer  
13 "at any time before trial" for "failing to comply with Rule G(5)"  
14 and/or "because the claimant lacks standing." Fed. R. Civ. P.  
15 Supp. G(8)(c)(i)(A)-(B).

16 3. Statutory standing requires the claimant to comply with  
17 certain procedural and statutory requirements. United States v.  
18 39,557.00, More or Less, in U.S. Currency, 683 F. Supp. 2d 335,  
19 338-39 (D.N.J. 2010). The importance of filing an Answer cannot be  
20 understated, since the Answer provides the opportunity to present  
21 defenses as to why a claimant has standing to contest the  
22 forfeitability of the defendant property. United States v. 1866.75  
23 Board Feet and 11 Doors and Casings, No. 1:07cv1100-GBL, 2008 WL  
24 839792 (E.D. Va. Mar. 25, 2008). Courts have held claimants to  
25 strict compliance with the Supplemental Rules. United States v.  
26 \$487,825 in U.S. Currency, 484 F.3d 662, 664-65 (3d Cir. 2007).


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1           4.    To date, no Answers submitted by either Jamarus Smith or  
2 Monique Banks have been filed, or have been served on counsel for  
3 the United States.  The United States' Motion (ECF No. 34) is  
4 accordingly GRANTED.<sup>1</sup>    Therefore, IT IS HEREBY ORDERED AND  
5 ADJUDGED that the Claims of Jamarus Smith and Monique Banks in the  
6 above-styled civil action are stricken for failing to comply with  
7 Rule G(5) and/or pursuant to Rule G(8)(c)(i)(A)-(B) of the  
8 Supplemental Rules for Admiralty or Maritime Claims and Asset  
9 Forfeiture Actions because said claimants lacks standing.

10           IT IS SO ORDERED.

11           Dated:   September 7, 2012

  
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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE

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28           <sup>1</sup> Having determined that oral argument was not of material  
assistance, the Court submitted this matter on the briefs in  
accordance with Eastern District Local Rule 230(g).