

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00812-WJM-MJW

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

\$6,026.00 IN UNITED STATES CURRENCY,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Claimant Lacedrick L. Curry's Pro Se Request [Motion] to Respond to Notice of Complaint for Forfeiture (docket no. 11) is GRANTED. The Claimant Curry is Pro Se and incarcerated. In fairness to Claimant Curry he should be permitted to file his Claim and Answer.

It is FURTHER ORDERED that Claimant Curry shall file with this court his Claim within 35 days from the date of this Minute Order as required by Supplemental Rule G(4)(b)(ii)(B) and (5)(a)(ii)(A), that the Answer be filed within 21 days of the filing of the Claim as required by Supplemental Rule G(5)(b) and that the Claim and Answer comply with Supplemental Rule G(4) and(5). If Claimant Curry does not comply with this Minute Order he will be subject to default and Plaintiff may then renew its Motion for a Clerk's Default.

It is FURTHER ORDERED that the Clerk's Default (docket no. 10) entered on June 6, 2013 is VACATED.

It is FURTHER ORDERED that Claimant Lacedrick L. Curry's Pro Se Motion to Return Property Under 41(g) Federal Rules of Civil Procedure (docket no. 13) is DENIED for the following reasons. The administrative and now the civil forfeiture proceeding were initialed and the civil forfeiture case (i.e. this case 13-cv-00812-WJM-MJW) is currently pending. Accordingly, the Claimant Lacedrick L. Curry's remedy to contest that forfeiture pursuant to Supplemental Rule G and therefore any remedy under Fed. R.Crim.P. 41(g) is unavailable to the Claimant Lacedrick L. Curry.

Date: October 11, 2013
