

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

USA,

Plaintiff,

v.

Case No: 2:13-cv-793-FtM-38CM

34 LUXURY VEHICLES,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Claimant's Motions for Forfeiture of Probable Cause Hearing and Request for Oral Argument ([Doc. #42](#), [Doc. #43](#)) filed on May 8, 2014. Claimant Grand Union International (Grand Union) submitted these motions requesting a special hearing to determine whether probable cause exists under the theory of forfeiture in the Government's Amended Complaint. ([Doc. #42 at 4-5](#)). The Government has since requested leave to file a Second Amended Complaint ([Doc. #56](#)), which has been granted. ([Doc. #62](#)). The Government filed its Second Amended Complaint on August 21, 2014, requesting forfeiture of the *in rem* property pursuant to [19 U.S.C. § 1595\(a\)](#). ([Doc. #63](#)). Grand Union's motion for a probable cause hearing is thus moot, as the operative pleading in this matter is the Government's Second Amended Complaint. Pursuant to [Fed. R. Civ. P 12\(a\)](#), Grand Union and the other

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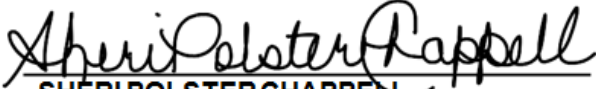
claimants in this action may file timely responses to the Second Amended Complaint, and may assert any relevant defenses under Rule 12(b).

Accordingly, it is now

**ORDERED:**

Claimant's Motions for Forfeiture of Probable Cause Hearing and Request for Oral Argument ([Doc. #42](#), [Doc. #43](#)) is **DENIED as moot**.

**DONE** and **ORDERED** in Fort Myers, Florida this 21st day of August, 2014.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record