

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY

CAPITAL CROSSING BANK,

Plaintiff,

v.

CASE NO.: 8:06-cv-660-T-24MAP

ROBERT L. MINOR and MARIE E. MINOR,

Defendants *in personam*, and

M/Y Y KNOT,

Defendant *in rem*.

ORDER DENYING WITHOUT PREJUDICE ISSUANCE OF WARRANT FOR ARREST

Before the Court is Capital Crossing Bank's complaint with request for issuance of warrant *in rem* for arrest of vessel- foreclosure of U.S. preferred ships mortgage (doc. 1). Local Rule 7.01(e) requires every complaint filed pursuant to Supplemental Rules (B), (C) and/or (D) to be verified on oath or solemn affirmation by a party, or an officer of a corporate party, or by an agent, attorney-in-fact, or attorney of record if a party or corporate officer is not within the district. In deciding whether to issue a warrant for arrest *in rem*, Local Rule 7.03(b)(1) requires a judicial officer to first review the verified complaint and any other relevant papers prior to issuing the warrant of arrest *in rem*. Despite the complaint's caption, Plaintiff has failed to prepare a warrant of arrest and/or summons as required by Local Rule 7.03(b)(3). *See* MDF 703 (Local Rule 7.03(b)(3) requires the warrant of arrest to substantially conform in format and content to this form). Furthermore, in most instances the request for issuance of warrant is accompanied by a motion for appointment of a substitute custodian who can take custody of the vessel, cargo and other property arrested or attached at a cost substantially less than presently required by the Marshal. *See* Local Rule

7.03(k)(3).

Accordingly, for the reasons set forth herein, it is hereby

ORDERED:

1. Plaintiff's request for issuance of warrant *in rem* for arrest of vessel is DENIED without prejudice.

DONE AND ORDERED in chambers at Tampa, Florida on this 20th day of April, 2006.



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE

Copies to:
Counsel of Record