

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA,	*	
Plaintiff,	*	
v.		
		CASE NO. 4:07-CV-180 (CDL)
\$100,100.00 IN UNITED STATES	*	
FUNDS, et al.,	*	
Defendant Property,	*	
KELLY BATTLE, AND MARY BATTLE,	*	
Claimants.	*	

ORDER STRIKING RESPONSIVE PLEADINGS
AND FINAL ORDER OF FORFEITURE

Upon reconsideration of the Plaintiff's Motion to Strike (Doc. 42), the failure of Claimants to comply with the Order of the Court dated October 16, 2008, the Federal Rules and the record of this case, the Court finds that good cause now exists to grant Plaintiff's motion.

THEREFORE, IT IS HEREBY ORDERED that the Answer and the Claims of Claimants shall be stricken from this case.

The responsive pleadings of the Claimants having been stricken, the Court hereby makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1345 and 1355, and venue is proper pursuant to 28 U.S.C. § 1395.

2. The United States has furnished due and legal notice of these proceedings as required by law. All persons known to the United States to have a possible interest in the Defendant Property have received actual notice of the Complaint and Warrant for Arrest in Rem in this action.

3. Claimants filed Claims and an Answer in these proceedings, asserting their interest in the Defendant Property, but those pleadings have now been stricken. No other claims have been filed and the time for filing claims has expired.

4. There is sufficient evidence to warrant a conclusion, by a preponderance of evidence standard, that the Defendant Property is subject to forfeiture in accordance with 21 U.S.C. §§ 881(a)(4) and(a)(6).

THEREFORE, IT IS HEREBY ORDERED THAT:

1. All right, title, and interest in the Defendant Property is hereby forfeited to and vested in the United States, which shall have clear title to this property and may warrant good title to any subsequent transferee.

2. The United States Attorney General or his authorized designee shall dispose of this property in accordance with the law.

3. No parties shall be entitled to costs, including any costs under 28 U.S.C. § 2412, nor shall the person or persons who made the seizure of the Defendant Property, nor any attorney, agent, or employee of the United States, the State of Georgia or any political subdivision thereof, be liable to suit or judgment on

account of the seizure of the Defendant Property or prosecution of the instant forfeiture action, there being reasonable cause shown for the seizure.

SO ORDERED, this 19th day of November, 2008.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE

Prepared by:

Donald L. Johstono
Assistant United States Attorney