

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	CASE NO. 5:10-CV-322 (MTT)
 v		
\$8,527.00 IN UNITED STATES FUNDS,	:	
Defendant Property,	:	
 ERIC ANDREAS JACKSON,		
Claimant.	:	

**ORDER GRANTING MOTION TO STRIKE AND
ORDER FOR ISSUANCE OF FINAL ORDER OF FORFEITURE**

Upon consideration of the Plaintiff's Motion to Strike, the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and the record of this case, the Court finds that good cause exists to grant Plaintiff's motion.

THEREFORE, IT IS HEREBY ORDERED that the Claim and Answer of Claimant Eric Andreas Jackson (Docs. 5 and 6) shall be stricken from this case.

The responsive pleadings of the Claimant 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 1335, and venue is proper pursuant to 28 U.S.C. § 1395.
2. Pursuant to a Warrant of Arrest in Rem this Court issued on September 1, 2010, the U.S. Marshals Service for the Middle District of Georgia arrested and seized the Defendant Property on September 3, 2010.

3. The United States has furnished due and legal notice of these proceedings as required by law. The United States perfected service of process of this action on Claimant Eric Andreas Jackson, and other potential claimants.

4. The United States published notice of this action on an official government website, www.forfeiture.gov for at least thirty (30) consecutive days, beginning on September 8, 2010, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

5. Claimant filed a timely Claim and Answer in these proceedings, asserting his interest in the Defendant Property described as \$8,527.00 in United States Funds, but those pleadings have now been stricken.

6. Plaintiff sent Special Interrogatories to the Claimant, through his counsel of record, which were received on December 22, 2010.

7. The due date for Claimant's responses to the Plaintiff's Special Interrogatories was January 12, 2011, but Claimant failed to respond.

8. This Court set a discovery status hearing for February 1, 2011, after having been contacted by the Plaintiff requesting to set a status hearing to address the past due responses to the Special Interrogatories.

9. This Court entered an Order directing the Claimant to respond to Plaintiff's Special Interrogatories on or before February 15, 2011.

10. The Claimant did not provide responses to the Plaintiff's Special Interrogatories by February 15, 2011, as directed by this Court.

11. On March 2, 2011, the Plaintiff filed a Motion to Strike the Responsive Pleadings of Claimant Eric Andreas Jackson, and for Issuance of a Final Order of Forfeiture, to which the Claimant did not respond.

12. As of today's date, no other person or entity has filed a claim and answer in his action and the time for filing a timely claim and answer has expired.

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

THEREFORE, IT IS HEREBY FURTHER 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, 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 12th day of May, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

PREPARED BY:

s/ DANIAL E. BENNETT
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 052683