

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

<p>UNITED STATES OF AMERICA,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>\$44,936.00 IN UNITED STATES FUNDS,</p> <p style="padding-left: 40px;">Defendant Property,</p> <p>KENNA MIDDLETON,</p> <p style="padding-left: 40px;"><i>Pro Se Claimant.</i></p> <hr style="border: 1px solid black;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 5:15-CV-180 (MTT)</p>
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ORDER

Before the Court are Claimant Kenna Middleton’s “Motion for Return of Property/Answer/and Verified Claim for Property” (Doc. 10) and Plaintiff United States of America’s “Motion to Dismiss Pro Se Petitioner Kenna Middleton’s Complaint with Jury Demand” (Doc. 12). For the following reasons, both motions are **TERMINATED without prejudice**.

On May 20, 2015, the Government filed a complaint for forfeiture against Defendant Property. Doc. 1. After receiving notice of the judicial forfeiture proceedings, Middleton, who is proceeding pro se, filed three identical documents, which were labeled as “Amended Answer to Complaint for Forfeiture,” “Amended Claim for Forfeiture,” and “Motion for Return of Property/Answer/and Verified Claim for Property.” Docs. 8; 9; 10. Clearly, all three documents were intended to be treated as a response to the Government’s forfeiture proceeding, which is ongoing. Accordingly, the Court construes Middleton’s filings as a response in opposition to the Government’s forfeiture

proceeding, and Middleton's motion for return of property (Doc. 10) is **TERMINATED without prejudice**.

On May 22, 2015, Middleton filed two identical documents purporting to be a complaint against the Drug Enforcement Administration, seeking "return of forfeited property." Docs. 5 at 1; 6 at 1. The Clerk's Office initially filed this complaint as a separate civil action (No. 5:15-cv-187) but later terminated that case and refiled the documents in the present action as an "Answer to Complaint" and "Claim for Forfeiture." Docs. 5; 6. Though the Government states that it "initially construed *Pro Se* Petitioner's Complaint with Jury Demand [Docs. 5-6] as a Claim and Answer as docketed by the Clerk's office," it moved to dismiss the complaint "out of abundance of caution." Doc. 12-1 at 3. The Court declines to rule on the motion to dismiss because the identical documents are indeed to be construed as a claim and answer, which have subsequently been amended (Docs. 8; 9), to the Government's forfeiture proceeding.¹ Accordingly, the Government's motion (Doc. 12) is **TERMINATED without prejudice**.

SO ORDERED, this 24th day of January, 2018.

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

¹ Of course, in the event that the documents are not to be construed as a claim and answer, the Government will be allowed to renew its motion to dismiss.