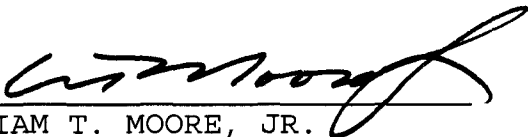


2004 WL 784493, at *2 (W.D. Tenn. Jan. 9, 2004) (unpublished) ("Counterclaims are generally not allowed by third parties in civil in rem forfeiture proceedings.").

However, Claimant Whitaker's "counterclaim" appears to be nothing more than a request for attorney's fees and costs. Such relief is not only permissible in a civil forfeiture action, but is mandated by statute: "in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for reasonable attorney fees and other litigation costs reasonably incurred by the claimant." 28 U.S.C. § 2465(b)(1)(A). Quite simply, despite Claimant Whitaker's mischaracterization of the request as a counterclaim, there is nothing impermissible about the relief he seeks. As prescribed by 28 U.S.C. § 2465(b)(1)(A), Claimant Whitaker may pursue the requested attorney fees and costs should he ultimately "substantially prevail" in this action. Accordingly, the Government's motion is **DENIED**.

SO ORDERED this 2nd day of February 2015.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA