

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-1064
)	
ELEVEN THOUSAND FOUR HUNDRED)	
NINETY-ONE AND 00/100 (\$11,491.00))	
DOLLARS IN U.S. CURRENCY,)	
)	
Defendant.)	

ORDER

This matter is now before the Court on the Government’s Motion to Strike Answer and for Default Judgment Against Joseph Villarreal (“Villarreal”) and All Other Unknown Potential Claimants. For the reasons set forth below, the Motion to Strike Answer and Motion for Default [#11] are GRANTED as to both Villarreal and all other unknown potential claimants.

DISCUSSION

Forfeiture proceedings are governed, in part, by 21 U.S.C. § 881(b), the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Pursuant to Rule C(6)(a)(i)(A) of the Supplemental Rules:

[A] person who asserts an interest in or right against the property that is the subject of the action must file a verified statement identifying the interest or right . . . within 30 days after the earlier of (1) the date of service of the Government’s complaint or (2) completed publication of notice under Rule C(4).

The verified claim states the claimant’s interest in the property, by virtue of which the claimant demands restitution and the right to defend the action. United States v. United States Currency in the amount of \$2,857.00, 754 F.2d 208, 212-13 (7th Cir. 1984). If the

procedural requirements of Rule C(6)(a)(i)(A) are not met, the claimant lacks standing to defend and contest the forfeiture. Id.; United States v Commodity Account No. 549 54930 at Saul Stone & Company, 219 F.3d 595, 598 (7th Cir. 2000) (noting that strict compliance with the rules is required to establish standing).

Here, the Complaint and Summons were served upon Villarreal through his attorney on June 7, 2010. Although Villarreal filed an Answer on June 22, 2010, he failed to file the required verified claim as required by Rule C(1)(a)(i)(A), and the time for doing so has long since expired. A Notice of Action and Seizure was published on www.forfeiture.gov, a website maintained by the U.S. Department of Justice, with the last date of publication on July 2, 2010. No other potential claimant has made any attempt to file either a Claim or an Answer.

As Villarreal failed to comply with the requirements of Rule C(1)(a)(i)(A), the Court must conclude that he lacks standing to defend the present forfeiture. Additionally, as no other Unknown Potential Claimants have appeared in this proceeding, they are hereby found to be in default. The Government's Motion to Strike [#11] is GRANTED, and the Motion for Default [#11] is also GRANTED as to both Joseph Villarreal and all Unknown Potential Claimants.

ENTERED this 24th day of September, 2010.

s/ Michael M. Mihm
Michael M. Mihm
United States District Judge