

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:13-cv-04108-SLD-JEH
)	
THIRTY-FIVE THOUSAND ONE)	
HUNDRED FIFTY-SEVEN AND 00/100)	
(\$35,157.00) IN U.S. CURRENCY,)	
)	
Defendant.)	

ORDER

Before the Court is a Report and Recommendation that recommends Claimant Froilan D. Lule’s Amended Verified Claim of Interest and Verified Answer be stricken and default judgment be entered. ECF No. 24. For the following reasons, the Report and Recommendation is ADOPTED.

When a magistrate judge considers a pretrial matter dispositive of a party’s claim or defense, he must make a record of all evidentiary proceedings, and must enter a recommended disposition. Fed. R. Civ. P. 72(b)(1). Parties may object within fourteen days of being served with a copy of the recommended disposition. *Id.* 72(b)(2). The district judge then considers de novo the portions of the magistrate judge’s recommended disposition that were properly objected to, and may accept, reject, modify the recommended disposition, or return it to the magistrate judge for further proceedings. *Id.* 72(b)(3). If no objection is made, or only partial objection, the district judge reviews the unobjected portions for clear error only. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Plaintiff, the United States of America, filed its Verified Complaint for Forfeiture of \$35,157.00 in United States Currency on December 9, 2013. ECF No. 1. Claimant filed an Amended Verified Claim of Interest, ECF No. 8, on February 11, 2014, and a Verified Answer, ECF No. 9, on March 4, 2014. During a Status Conference held on June 26, 2017, while discovery was underway, Claimant's counsel explained that he had not been in direct contact with Claimant since 2014. Notice was provided that if Claimant's counsel could not locate Claimant, default would be a viable option. The Court has the power to dismiss a claim when the claimant has abandoned the litigation. *Cf. Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”). After Claimant's counsel filed a Status Report explaining his unsuccessful efforts to locate Claimant, ECF No. 23, the magistrate judge entered this Report and Recommendation, ECF No. 24. No objections were filed.

Having reviewed the Report and Recommendation, the record, and the applicable law, this Court finds no clear error. The Report and Recommendation, ECF No. 24, is ADOPTED in its entirety. The Amended Verified Claim of Interest, ECF No. 8, and Verified Answer, ECF No. 9, are stricken and a judgment of default shall enter against all potential claimants. The Clerk is directed to enter judgment and close the case.

Entered this 6th day of September, 2017.

s/ Sara Darrow

SARA DARROW
UNITED STATES DISTRICT JUDGE