

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:15-01206-JWB

DEFFENDANT NO. 1:
REAL PROPERTY KNOWN AS 12516
WEST 164TH STREET, OVERLAND
PARK, KANSAS;

DEFENDANT #2:
REAL PROPERTY KNOWN AS 3612
WYATT LANE, TEXARKANA,
TEXAS;

DEFENDANT #3:
REAL PROPERTY KNOWN AS 1
WINDMERE DRIVE, TEXARKANA,
TEXAS;

DEFENDANT #4:
REAL PROPERTY KNOWN AS 10650
BREWER ROAD, SALADO, TEXAS;

DEFENDANT #5:
ONE 2011 CHEVROLET TAHOE,
VIN: 1GNSCCE0XBR355208;

DEFENDANT NO. 6:
ONE 2014 BMW 650i,
VIN: WBA6B2C53ED128785,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on Claimants Nagy G. Shehata's and Valerie A. Shehata's motion for leave to withdraw (Doc. 121) and motion for attorney fees (Doc. 122). Having

reviewed both motions and the attached exhibits, and there being no objection by the United States, the court grants both motions for the reasons stated herein.

I. Facts and Procedural History

On July 7, 2015, the United States filed a civil forfeiture action against real property at address 12516 West 164th Street, Overland, Park, Kansas. (Doc. 1.) On February 4, 2016, this court appointed Legal Services Corporation as counsel to provide consultation and representation for individual defendants (property owners) Nagy G. Shehata and his wife, Valerie A. Shehata, pursuant to 18 U.S.C. § 983(b)(2)(A). (Doc. 11.) On June 5, 2017, Nagy G. Shehata entered into a plea agreement in Case No. 15-20052-01-CM. As part of that plea agreement Mr. Shehata knowingly and voluntarily withdrew his claim in this civil case. (Doc. 64 in case No. 15-CR-20052-CM at P. 5.) On June 30, 2020, Valerie Shehata retained other legal counsel. (Docs. 50, 51.)

On April 10, 2023, Valerie Shehata, through her counsel, along with Nagy Shehata entered into a settlement agreement with the United States and on April 14, 2023, the United States filed a motion to stay this action, (Doc. 119), pending the completion of the settlement. On May 22, 2023, claimant filed a motion for leave to withdraw (Doc. 121) and on June 22, 2023, claimant filed a motion for attorney fees. (Doc. 122.) Claimant did consult with opposing counsel (Special Assistant U.S. Attorney Scott Anderson), who reviewed both motions and has no objection thereto. Claimant has communicated with both Nagy and Valerie Shehata and has fully complied with D. Kan. Rule 83.5.5(a).

II. Analysis

In this case, counsel was appointed under 18 U.S.C. § 983(b)(1) and/or § 983(b)(2). Under section 983(b)(3), compensation under subsection (b) is equivalent to that provided for

court-appointed representation under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A. For appointments under § 983(b)(2), the court is to enter a judgment in favor of the Legal Service Corporation for reasonable fees and costs. 18 U.S.C. § 983(b)(2)(B)(ii). The judgment will be treated as a judgment payable under 28 U.S.C. § 2465 regardless of the outcome. *Id.* Here, the government does not dispute that reasonable fees and expenses are available and in accordance with the CJA.

Mr. Cox, on behalf of Legal Services Corporation, seeks a total of \$8,643.00 for 67 hours of attorney time (@ \$129.00 per hour) spent in representing Nagy and Valerie Shehata from February 4, 2016, to the present. Reviewing the records, the court finds that the total hours billed is reasonable. In fact, counsel does not seek reimbursement for any number of hours spent by two other attorneys in that firm. In sum, the court finds that the 67 hours for which compensation is being sought is reasonable and will approve payment of \$8,643.00.

III. Conclusion

The motion of Kansas Legal Services, Inc. (Leland E. Cox) for attorney fees (Doc. 122) is GRANTED. The United States is ordered to pay to Kansas Legal Services a total of \$8,643.00.

IT IS SO ORDERED. Dated this 20th day of September, 2023.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE