

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WILLIE JAMES MURPHY, JR.

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Plaintiff

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v.

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CIVIL NO. JKB-14-1597

UNITED STATES OF AMERICA

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Defendant

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MEMORANDUM

The Court has carefully reviewed the Plaintiff’s MOTION REQUESTING RETURN OF WRONGFULLY SEIZED U.S. CURRENTY (ECF No. 1), the Government’s MOTION TO DISMISS IN PART AND MOTION FOR SUMMARY JUDGMENT IN PART (ECF No. 11) and two documents filed by the Plaintiff, both titled PLAINTIFF [*sic*] MOTION REQUESTING THAT THE DEFENDANT’S MOTION TO DISMISS IN PART AND SUMMARY JUDGMENT IN PART BE DISMISSED AND THAT SUMMARY JUDGMENT BE GRANTED ON BEHALF OF THE PLAINTIFF IN THE ABOVE MATTER (ECF Nos. 12, 13). Upon review of these submissions and the entire file, the Court concludes that the Government’s position is correct in all respects. The more appropriate forum for the litigation of the dispute involving the \$11,259.00 is the civil forfeiture proceeding now pending before the Court in Case No. JKB-14-2556. While it is true that the Government did not file that action within the normally required 90 days, the Court finds that the circumstances described in the Government’s motion (that resulted in delay) are true and that they justify a tolling of the deadline of sufficient length to permit that matter to proceed.

