

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CV357
)	
V.)	
)	
2006 DODGE CHARGER, VIN)	DEFAULT JUDGMENT AND DECREE
2B3KA43G36H407287,)	OF FORFEITURE
)	
Defendant.)	
_____)	

A Verified Complaint for Forfeiture was filed herein on September 21, 2010. A Warrant for Arrest *in Rem* was issued by this court ([filing 5](#)) and was properly executed on Defendant property by the United States Marshal.

Publication of the notice of this action and of the arrest of Defendant property was duly made pursuant to order of this court dated October 6, 2010 ([filing 7](#)).

On October 13, 2010, Mercedes Moreno (“Claimant”) was served notice of the Verified Complaint by the United States Marshal Service ([filing 9](#)). On or about October 27, 2010, Mercedes Moreno filed an Answer to the Verified Complaint of Forfeiture (filings [10](#) & [12](#).) No other claim or answer has been filed by any other person or entity claiming an interest in Defendant property.

On July 7, 2011, this court entered a final pretrial order ([filing 24](#)) setting this forfeiture action for trial on October 18, 2011, and directing the parties to file an amended exhibit list by September 16, 2011. This deadline was later extended to September 30, 2011. (Filing 27.) On October 3, 2011, Claimant’s counsel filed a motion to withdraw ([filing 28](#)), asserting that Claimant has not been communicating with counsel and has failed to provide counsel with the required exhibits. On October 6, 2011, Plaintiff filed a motion ([filing 30](#)) requesting that the court strike Claimant’s Answer and, additionally, enter default judgment in favor of Plaintiff because Claimant has failed to abide by court orders and, specifically, has failed to provide Plaintiff with copies of the trial exhibits.

A telephone conference with Plaintiff’s and Claimant’s counsel was held on October 6, 2011, at which time the issue of Claimant’s failure to produce exhibits was discussed. (Filing 31.) On October 7, 2011, this court entered an order giving Claimant until 3:00 p.m. on October 11, 2011, to produce the exhibits listed by Claimant in the final pretrial order. ([Filing 32](#).) The order advised Claimant that failure to produce the exhibits would result in the entry of default judgment for Plaintiff. (*Id.*) See *Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852 (8th Cir. 1996) (“Default judgment for failure to defend is appropriate when the party’s conduct includes willful

violations of court rules, contumacious conduct, or intentional delays.”) (quotations omitted). As of today’s date, Claimant has not produced the exhibits as ordered.

Accordingly,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Plaintiff’s Motion to Strike ([filing 30](#)) and request for default judgment is granted. The Clerk of Court shall strike the answer (filings [10](#) & [12](#)) of Mercedes Moreno.
2. Defendant property is hereby forfeited to the United States of America. All right, title or interest in or to Defendant property held by any person or entity is hereby forever barred and foreclosed.
3. Defendant property shall be disposed of by the United States Marshal for the District of Nebraska in accordance with law.
4. The trial of this matter scheduled for October 18, 2011, is canceled.
5. Bilal A. Khaleeq’s Motion to Withdraw as Counsel ([filing 28](#)) is granted. The Clerk of Court shall terminate the appearance of Bilal Khaleeq in this matter and terminate future notices to him in this case.
6. Bilal Khaleeq is directed to provide a copy of this order to Mercedes Moreno and file a certificate of service with the court on or before October 14, 2011.

DATED October 12, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**