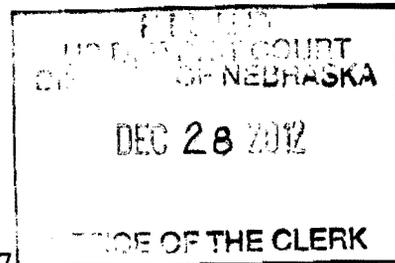


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$26,400.00 IN UNITED STATES
CURRENCY,

Defendant.

8:12CR137
CV**ORDER**

NOW ON THIS 28th day of December, 2012, this matter comes on before the Court upon the Motion to Withdraw (Filing No. 15) filed by Claimant's counsel, Lawrence G. Whelan. Mr. Whelan is present with co-counsel, Dennis G. Whelan. The Plaintiff is represented by Assistant U.S. Attorney Nancy A. Svoboda. During the hearing, Ms. Svoboda moved to strike Claimant's Verified Claim (Filing No. 9) and Claimant's Answer (Filing No. 12).

The Court, being duly advised in the premises, finds as follows:

1. By Order dated December 3, 2012 (Filing No. 16), this Court set Mr. Whelan's Motion to Withdraw for hearing and directed Claimant, Noel Natan Cardozo, to attend said hearing. Mr. Cardozo was not present at said hearing.
2. The Court had also directed Mr. Whelan to provide Mr. Cardozo notice of today's hearing by certified mail, return receipt requested. Further, Mr. Whelan was directed to file a certificate of service demonstrating compliance with this directive. Today, the Court received Exhibit No's. 101, 102, 103, and 104 evidencing Mr. Whelan's attempts to comply with the Court's directive. Specifically, the exhibits demonstrate Mr. Whelan did post, by certified mail,

return receipt requested, a copy of the Court's December 3, 2012, Order; however, that letter is sitting at a post office location, waiting to be picked up by Mr. Cardozo.

3. The Court grants Mr. Whelan's Motion to Withdraw as counsel for Claimant, Joel Natan Cardozo. The United States orally moved to strike Mr. Cardozo's Verified Claim (Filing No. 9) and Mr. Cardozo's Answer (Filing No. 12). The motion was made pursuant to Federal Rule of Civil Procedure 37(b)(2)(a)(iii). That motion is granted.

IT IS SO ORDERED.

BY THE COURT:



F.A. GOSSETT, III
United States Magistrate Judge