UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA, Plaintiff, v. $16,978.29 IN UNITED STATES CURRENCY, Defendant.	Case No. 3:12-cv-00425-MMDPWGC ORDER (Mtn. to Strike – dkt. no. 25)

In its August 29, 2013, Order (dkt. no. 22), the Court granted Mark Enrique leave to file his claim, but directed him to file his answer within twenty (20) days. To date, Mr. Enrique has not responded to the Complaint. The United States has moved to strike Mr. Enrique's claim. (Dkt. no. 25.)

The United States filed this action for civil forfeiture against currency on August 13, 2012. (Dkt. no. 1.) On August 20, 2012, Plaintiff filed a Certificate of Service to establish proof of service of the following on Mr. Enrique and other potential claimants to the defendant property: (1) the Complaint; (2) Summons and Warrant of Arrest in Rem Property; and (3) Notice of Complaint for Forfeiture and Arrest of Property. (Dkt. no. 5.) The Notice explains the reason for the Notice and informs the potential claimants that if they wish to appear as a claimant, they "must file a verified claim setting forth an interest in the property with the Clerk of the above-entitled court no later than September 26, 2012." (*Id.* at 1:25-2:2.) The Notice further informs claimants that an

Answer to the Complaint or a motion under Rule 12 must be filed "no later than 20 days after the date of filing of the claim." (*Id.* at 2.)

On October 3, 2012, Mr. Enrique filed a verified Answer to the Complaint after he obtained an extension of time to do so. He did not file a verified claim. On October 17, 2012, Plaintiff moved to strike the Answer. Mr. Enrique did not oppose but instead moved for leave to file his verified claim on December 6, 2012. The next day, the Court granted Plaintiff's motion and ordered the Answer stricken.

On August 29, 2013, the Court granted Mr. Enrique's request for leave to file his claim. (Dkt. no. 22.) The Court directed the Clerk to file Mr. Enrique's claim. The Court further explained that Mr. Enrique must comply with the procedures in the Notice of Complaint for Forfeiture and Arrest of Property and must file an answer or a response to the Complaint within twenty (20) days. The Court's Order was returned as undeliverable because Mr. Enrique was not at the address on file with the Court. (Dkt. no. 24.) Mr. Enrique has not filed a response to the Complaint.

The Court has essentially extended the time for Mr. Enrique to file his verified claim and answer by over a year from the time he was served on August 20, 2013. Mr. Enrique's failure to provide an updated address with the Court shows that he has effectively abandoned his pursuit of his claim. The Court agrees with Plaintiff that Mr. Enrique's failure to comply with the procedural rules governing civil forfeiture, particularly given the multiple opportunities he has been given, warrants striking his claim.

Good cause appearing, it is ordered that the United States' Motion to Strike (dkt. no. 25) is granted.

DATED THIS 21st day of November 2013.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE