

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

US

v.


Criminal No. 05-cr-168-01-SM

Robert Shatney

ORDER

Re: Document No. 37, Motion for Return of Property

Ruling: As the government points out, the underlying criminal case is closed. Accordingly, Shatney's motion for return of property is treated as a civil complaint. See Gonzalez-Gonzalez v. United States, 257 F.3d 31, 36 (1st Cir. 2001). The government will advise the clerk (Deputy Clerk Joyce Roy) on or before July 12, 2007, whether the government, having actual knowledge of the complaint, and having preliminarily responded to the motion's filing, whether it will waive service of process. If it waives service it shall file an answer or other responsive pleading within sixty (60) days of July 12, 2007. If it will not, the clerk will prepare summonses and serve them in accordance with Fed. R. Civ. P. 4(i)(1) on the United States Attorney for this district, the Attorney General of the United States, and the United States Drug Enforcement Agency. The Clerk shall open a new civil case, treating defendant's motion as a civil complaint challenging the government's administrative forfeiture of the claimed property. So Ordered.


Steven J. McAuliffe
Chief District Judge

Date: July 10, 2007

cc: Robert Rabuck, Esq.
Helen Fitzgibbon, Esq.
Robert Shatney, pro se