

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

**ORDER**  
13-CV-0300S

\$2,300.00 UNITED STATES CURRENCY,

Defendant.

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1. In March 2013, the Government commenced this *in rem* action for the forfeiture of \$2,300.00 seized during the execution of a search warrant at Claimant Evelyn Roberson's residence. Claimant filed a notice of claim and answer in June of that year in which she asserted an equitable or legal interest in those funds.

2. This Court referred this case to the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) for the purpose of, in addition to previously referred pretrial matters, hearing and reporting upon dispositive motions. (Docket No. 30.) On June 11, 2014, after mediation attempts proved unsuccessful, Claimant brought a motion for summary judgment. (Docket No. 31.)

3. Judge McCarthy issued a Report and Recommendation on June 25, 2014 recommending that the motion be denied based on Claimant's failure to make any evidentiary showing of entitlement to judgment in her favor. Despite being expressly advised that the failure to file appropriate objections by July 14, 2014 would result in waiver of further review of this decision, no objections to the Report and Recommendation were filed.

IT HEREBY IS ORDERED, that this Court accepts Judge McCarthy's Report and Recommendation (Docket No. 32) in its entirety;

FURTHER, that Claimant's motion for summary judgment (Docket No. 31) is DENIED.

SO ORDERED.

Dated: July 16, 2014  
Buffalo, New York

s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court