

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER
13-CV-1057-A

v.

\$15,104 UNITED STATES CURRENCY
and ONE BLUE 2011 FORD F150
XLT, VIN: 1FTEX1CM5BFB76077,

Defendant.

This civil action is brought pursuant to 21 U.S.C. § 881(a)(4) and (6) to forfeit to the United States the defendant \$15,104.00 currency and the defendant blue Ford truck as allegedly involved in marijuana trafficking. An innocent-owner claim to the defendant property was filed by Andrew Fitch, who is appearing *pro se*.

The action was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. Before the Court are three Reports and Recommendations. Dkt. Nos. 56, 65, and 74. The United States objects to the Magistrate Judge's recommended denial of its motion for summary judgment. Dkt. No. 56. Claimant Fitch objects to the Magistrate Judge's recommended denials of his cross motion for summary judgment, his motions to dismiss, and his motion to suppress. Dkt. Nos. 65 and 74, respectively.

Pursuant to 28 U.S.C. §636(b)(1), the Court makes a *de novo*

determination of those portions of a report and recommendation to which specific objections have been made, and otherwise reviews for clear error. The Court assumes the parties' familiarity with the prior proceedings and the issues under review. The Court construes Fitch's *pro se* filings to raise the strongest arguments that they suggest. See *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 477 (2d Cir. 2006). Upon *de novo* and clear error review, and after considering the submissions from the parties, the Court hereby adopts the Magistrate Judge's recommended findings and conclusions, Dkt. Nos. 56, 65, and 74, to resolve the pending motions.

A status conference is scheduled for October 17, 2018, at 12:30 p.m., to schedule further proceedings and to discuss the status of the related cases.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 28, 2018