

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17-CV-442
ORDER

\$27,601.00 UNITED STATES CURRENCY,

Defendant.

On May 18, 2017, the government commenced this action by filing a verified complaint for forfeiture. Docket Item 1. On June 5, 2017, Lance Rucker filed a claim for return of the currency. Docket Item 3. And on August 9, 2017, the government moved to strike Rucker's claim. Docket Item 11.

On August 7, 2017, the Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings pursuant to 28 U.S.C. Section 636(b)(1)(A) and (B). Docket Item 9. After setting a briefing schedule and receiving no submissions from Rucker, on September 27, 2017, Judge Roemer issued a Report and Recommendation finding that the government's motion to strike should be granted. Docket Item 13. The parties did not object to the Report and Recommendation, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. Section 636 nor Federal Rule of Civil Procedure 72

requires a district court to review the recommendation of a magistrate judge to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's Report and Recommendation. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the government's motion to strike Rucker's claim. Other than filing a claim and entering an attorney appearance, neither Rucker nor his attorney has done anything to pursue that claim. They did not answer the verified complaint despite being notified that an answer was due twenty-one days after the claim was filed. Docket Item 11 ¶¶ 4, 8. They did not appear at a conference before this Court on August 7, 2017. Docket Item 10. They did not respond to the government's motion to strike the claim, nor did they appear at a status conference before Judge Roemer. Docket Item 13 at 3; see *also* Docket Item 12.

For the reasons stated above and in the Report and Recommendation, the government's motion to strike, Docket Item 11, is GRANTED and Rucker's claim is stricken.

SO ORDERED.

Dated: October 19, 2017
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE