

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-542

UNITED STATES OF AMERICA

Plaintiff,

v.

SIDBURY PERSONAL PROPERTY
SPECIFICALLY DESCRIBED AS:

\$8,747.07 SEIZED FROM BRANCH
BANKING AND TRUST, ACCOUNT
NUMBER 0005102492457;

\$69,927.75 SEIZED FROM BRANCH
BANKING AND TRUST, ACCOUNT
NUMBER 0005591135432;

\$13,586.58 SEIZED FROM WELLS FARGO
BANK, ACCOUNT NUMBER
3000195353290;

\$12,979.91 SEIZED FROM WELLS FARGO
BANK, ACCOUNT NUMBER
1000004238806;

Defendants.

ORDER

Pending before the Court is a Consent Motion to Stay [D.E. 8]. Claimant moves pursuant to 18 U.S.C. § 981(g)(2) to stay this civil forfeiture proceeding. The Court GRANTS the Motion to Stay.

Section 981(g)(2) provides that upon the filing of a motion by a claimant, the Court shall stay a civil forfeiture proceeding where: (1) the claimant is the subject of a related criminal case or investigation; (2); the claimant has standing to assert a claim in the civil forfeiture proceeding;

and (3) the continuation of the forfeiture proceeding would burden the right of the claimant against self-incrimination in the related criminal case. 18 U.S.C. § 981(g)(2).

Upon a review of the record in this case, the Courts finds that a related criminal case is currently ongoing that involves similar facts, witnesses, and circumstances to this civil forfeiture proceeding. See 18 U.S.C. § 981(g)(4).

Moreover, Claimant has standing to assert a claim in these forfeiture proceedings.

Finally, a stay of these proceedings is warranted pursuant to Section 981(g) because civil discovery will burden Claimant's right against self-incrimination in the related criminal case. See 18 U.S.C. § 981(g)(2).

The Court, therefore, GRANTS the Motion to Stay and stays these proceedings until such time as the related criminal proceedings have been finally determined.

SO ORDERED. This 15th day of December, 2015.



LOUISE W. FLANAGAN
U.S. District Judge