

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:07CV338

UNITED STATES OF AMERICA,)

Plaintiff,)

Vs.)

ORDER

57 CANDLER HEIGHTS ROAD,)

Candler, Buncombe County, North)

Carolina, as described in a deed at)

Deed Book 2255, Page 0635 in the)

Public Registry of Buncombe County,)

North Carolina, being real property,)

together with the residences, and all)

appurtenances, improvements, and)

attachments thereon,)

Defendant,)

And)

JOYCE C. SIMMONS,)

Claimant.)

_____)

THIS MATTER is before the Court *sua sponte* to review the status of this case.

Prior to the jury trial scheduled for July 9, 2008, the parties herein entered into a settlement agreement concerning the Defendant property whereby the parties agreed to a substitution of property. **See Settlement by Substitution of Property and Consent to Forfeiture, filed July 7, 2008.** Claimant Joyce Simmons and husband Robert Edward Simmons agreed to waive all ownership interest and consented to forfeiture of certain other real properties in exchange for the Government's agreement not to pursue forfeiture of the captioned Defendant real property. *Id.* The settlement agreement was signed by counsel for Claimant Joyce Simmons, Robert Edward Simmons, and Assistant United States Attorney Thomas Ascik on behalf of the Government.

The Court has examined the settlement agreement and record in this matter and now orders the parties to show cause why the complaint filed October 23, 2007, should not be dismissed with prejudice as all issues identified in the complaint appear to have been settled.

IT IS, THEREFORE, ORDERED that the parties herein show cause, by filing an appropriate pleading, why this complaint should not be dismissed with prejudice within 10 days of entry of this Order.

Signed: December 19, 2008

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

