

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv29**

**UNITED STATES OF AMERICA** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **\$6,357.00 in United States Currency,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

Pending before the Court is the Motion to Strike Claim and for Judgment on Pleadings [# 12] filed by the Government. The Court will advise Claimant, who is proceeding *pro se*, of his obligation to respond and the time for doing so.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), claimant is cautioned that the Government has filed a Motion to Strike Claim and for Judgment on the Pleadings contending that the Court should enter Judgment against Claimant because he has not filed an answer and the time for doing so has expired.

A claimant must serve and file an answer to the complaint or a Rule 12 motion within twenty days of filing a claim. Supplemental Rule G(5)(b). The Supplemental Rules further provide that a claim may be stricken for failing to comply with this Rule. Rule G(8)(c)(i)(A).

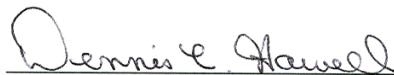
The Court advises Claimant that he should respond to the Government’s Motion

to Strike. Claimant should address whether he filed an answer or Rule 12 motion after filing his claim, and whether his claim is subject to being stricken as a result of any failure to do so. The court advises Claimant that the method for responding requires his filing a written “response” to the Government’s motion within the time allowed by this Order. A copy of such response must be sent to counsel for all other parties, and Claimant must certify that he has made such service in a “certificate of service” indicating the manner in which such service was made. Claimant shall have until August 26, 2011, to file his response.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Claimant file his written response to the Government’s Motions to Strike [# 12] by August 26, 2011.

Signed: August 11, 2011

  
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Dennis L. Howell  
United States Magistrate Judge

