

- D L H U n i t e d S t a t e s o f D A o

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv145**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) **ORDER**
)
 \$36,083.22 IN UNITED STATES)
 CURRENCY, et al.,)
)
 Defendants.)
 _____)

Pending before the Court is the Motion to Seal [# 8]. Pursuant to 18 U.S.C. § 981(g)(5), the Government moves to file under seal Exhibit A to its Motion to Stay. Section 981(g)(5) provides that in requesting a stay, the Government may “submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.” 18 U.S.C. § 981(g)(5). The Government, however, has not demonstrated or set forth any argument as to how disclosure of Exhibit A would adversely affect an ongoing criminal investigation or pending criminal trial. Accordingly, the Court **DENIES without prejudice** the Government’s motion [# 8].

Signed: October 3, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

