

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12 cv 08**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v)	
)	
\$28,182.00 IN UNITED STATES CURRENCY,)	
)	
Defendant.)	

ORDER

THIS MATTER has come on before the undersigned pursuant to referral from the District Court and also pursuant to a Response and Opposition to Motion (#15) filed by the pro se claimant Artie S. Smith.

A review of the file shows that on June 27, 2012 United States District Judge Martin Reidinger directed the defendant to respond to the Government’s Motion to Strike and Dismiss the Claim of the claimant (#14). The claimant responded on June 21, 2012. Attached to the claimant’s response was a faxed letter that had been sent to counsel for the Government dated May 2, 2012 in which the pro se claimant requested that this matter “be continued until a resolution of the criminal case currently in Cleveland County, North Carolina”. As a result of the filings by both the Government and the pro se claimant, the undersigned will set a hearing to resolve various issues in this case. To be addressed at the hearing are the following issues:

- 1) Why the claimant has not complied with the Order of Judge Martin Reidinger of March 20, 2012 directing the pro se claimant to file an answer by April 5, 2012;

2) Why the Government did not file the claimant's request that the case be continued until resolution of the criminal charges against the pro se claimant pending in state court;

3) Are the criminal charges pending against the pro se claimant in state court still pending;

4) Should the Court stay the proceedings in this matter pending the resolution of the state charges; and

5) Such other and further matters as may expedite the resolution of this case.

ORDER

IT IS, THEREFORE, ORDERED that a hearing is hereby set for **Tuesday, August 14, 2012 at 10:30 o'clock a.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina for hearing concerning the issues set forth above.

Signed: August 1, 2012

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Dennis L. Howell
United States Magistrate Judge

