

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

CIVIL CASE NO. 1:12-cv-00008-MR-DLH

| | | |
|-------------------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| \$28,182.00 IN UNITED STATES |) | |
| CURRENCY, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

THIS MATTER is before the Court on the Government's Renewed Motion to Enter Default Judgment under Rule 37(b)(2)(A) against Claim of Artie Smith [Doc. 42] and the Magistrate Judge's Memorandum and Recommendation regarding the same [Doc. 43].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Government's Motion for Default Judgment and to submit a recommendation for its disposition.

On June 12, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings and fact and conclusions of law in support of a recommendation regarding the

Defendant's Motion. [Doc. 43]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

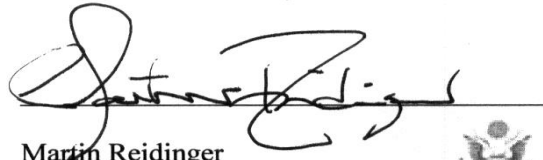
After a careful review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Amended Answer of Artie Smith should be stricken and that a default judgment should be entered against him.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 43] is **ACCEPTED**; the Amended Answer of Claimant Artie Smith [Doc. 25] is hereby **STRICKEN**; and the Government's Renewed Motion to Enter Default Judgment under Rule 37(b)(2)(A) against Claim of Artie Smith [Doc. 42] is **GRANTED**.

The Clerk of Court shall enter a separate Default Judgment against the Claimant Artie Smith.

IT IS SO ORDERED.

Signed: July 5, 2013

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

