

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

CIVIL CASE NO. 1:12cv08

UNITED STATES OF AMERICA, )  
)  
)  
vs. )  
)  
)  
\$28,182.00 IN UNITED STATES )  
CURRENCY. )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court on the Government’s Motion to Dismiss Claim [Doc. 5] and the amended “Statement of Interest” filed by Artie Smith on March 15, 2012 [Doc. 8].

On February 23, 2012, the Government moved to dismiss the claim filed by Artie Smith (“Claimant”) on the grounds that it was not signed under penalty of perjury. [Doc. 5]. On March 5, 2012, the Court directed the Claimant to file a verified claim within fourteen days. [Doc. 7]. On March 15, 2012, the Claimant filed a “Statement of Interest” which is sworn to and notarized. [Doc. 8]. The Court finds this to be a sufficient verification for the purposes of Rule G(5)(a)(i)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. See United States v. Toma, No. 94 CR 333, 1997 WL 467280, at \*2 (N.D. Ill. Aug. 6, 1997) (“[Claimant’s]

verification, which is sworn under oath, does not specifically state that it is under penalty of perjury, but it would be since submitted to the court.”). In light of the fact that the Claimant has now filed a verified claim, the Government’s Motion to Dismiss Claim is moot.

Pursuant to Rule G(5)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Claimant is required to serve and file an answer to the Government’s Complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days after filing his claim.

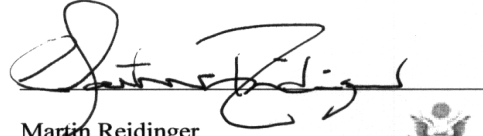
**IT IS, THEREFORE, ORDERED** that the Government’s Motion to Dismiss Claim [Doc. 5] is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the Claimant Artie Smith shall serve and file an answer to the Government’s Complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure on or before **April 5, 2012**.

The Clerk of Court is directed to provides copies of this Order to counsel for the Government and the *pro se* claimant, Artie Smith.

**IT IS SO ORDERED.**

Signed: March 19, 2012

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

Martin Reidinger  
United States District Judge

