

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13cv331**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **REAL PROPERTY LOCATED AT** )  
 **97-99 NEW LEICESTER HIGHWAY,** )  
 **et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

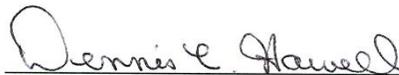
Pending before the Court is the Government’s Motion to Strike [# 30]. Shirley M. Gardner submitted a claim for the Defendant Property on February 5, 2014. Subsequently, Claimant Gardner filed a motion requesting an enlargement of time to answer, which the Court granted. (Order, Mar. 7, 2014.) Pursuant to the Court’s Order, Claimant Gardner had until April 7, 2014, to file her answer. Claimant Gardner, however, failed to file an answer and has taken no action in these proceedings since the entry of the Court’s March 7, 2014, Order. Accordingly, the Government moves to strike the claim of Claimant Gardner.

A claimant must serve and file an answer to a complaint or a Rule 12 motion within twenty-one days of filing a claim. Fed. Civ. P. Supp. R. G(5)(b). The Supplemental Rules also provide that the Government may move to strike a claim

or answer at any time prior trial where a claimant fails to comply with Rule G(5). Fed. Civ. P. Sup. R. G(8)(c)(i)(A). Courts strictly adhere to these requirements and will strike a claim if a claimant fails to file a timely answer. See e.g., United States v. 40 Acres of Real Prop., 629 F. Supp. 2d 1264, 1273–74 (S.D. Ala. 2009); United States v. \$27,601.00 in United States Currency, No. 09–cv6281L, 2011 WL 3296170, at \*1–2 (W.D.N.Y. Aug. 1, 2011).

Claimant has had ample time to file an answer in this case. Moreover, she was aware of her obligation to file an answer because she filed a Motion for Extension of Time requesting additional time to do so. Despite the Court granting this motion and setting a new deadline for Claimant to file her answer, Claimant failed to comply with the Court’s Order, has not filed an answer, and has taken no action in this case in several months. Accordingly, the Court **GRANTS** the Government’s motion [# 30] and **STRIKES** the Claim of Shirley M. Gardner [# 5] for failure to comply with requirements of Rule G.

Signed: July 3, 2014



Dennis L. Howell  
United States Magistrate Judge

