

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-183**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 100 STACY FARM ROAD, NEBO,)
 NORTH CAROLINA, et al.,)
)
 Defendants.)
 _____)

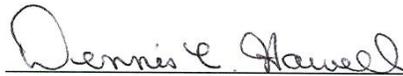
ORDER

On July 14, 2017, the Government filed its Complaint seeking forfeiture on two properties. On August 16, 2017, the Government filed an Amended Complaint. On September 21, 2017, a Claim of Interest was filed as to 179 Watson Road, Nebo, North Carolina, by Minnie Tate. On September 28, 2017, a Claim of Interest was filed as to 100 Stacy Farm Road, Nebo, North Carolina, by Leah P. Davis. On October 2, 2017, Claimant Tate filed an Answer to the Government’s Amended Complaint. On November 15, 2017, Claimant Davis filed an Answer to the Amended Complaint. On November 16, 2017, the Court gave notice to the parties that they were to conduct an Initial Attorney’s Conference and file a Conference Report by December 7, 2017. On November 30, 2017, the Parties filed their Certification and Conference Report [# 11].

Claimant Davis has requested a jury trial for this forfeiture case. Both properties are alleged to be traceable to transactions and exchanges of controlled substances, and subject to forfeiture to the United States under 21 U.S.C. §§ 881(a)(6) and (7). Because this forfeiture arises as the result of a criminal sentence, it appears a jury trial is not permitted. United States v. McHan, 345 F.3d 262, 274–75 (4th Cir. 2003); see 21 U.S.C. § 853(n)(2).

Therefore, the Court **ORDERS** Claimant Davis to file a brief setting forth the grounds for a jury trial in this case. Claimant Davis shall have **two (2) weeks** from the entry of this Order to file the brief. The Government shall have **one (1) week** to respond to Claimant Davis' brief.

Signed: December 6, 2017



Dennis L. Howell
United States Magistrate Judge

