

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

This matter is before the Court regarding Claimant Davis' request for a jury trial in her Answer [# 10]. On November 15, 2017, Claimant Davis requested a jury trial for this forfeiture case [# 10]. On December 6, 2017, the Court, believing that a jury was not permitted in this case, ordered Claimant Davis to brief the issue of a jury demand. On January 30, 2018, the Court held a hearing.

The Court heard from Mr. Devereux—counsel for Leah Patience Davis, AUSA Tiffany Moore, and AUSA Gill Beck. Pursuant to 21 U.S.C. § 853(n)(2) and U.S. v. McHan, 345 F.3d 262, 274–75 (4th Cir. 2004), the Court finds that Claimant Davis is not entitled to a jury trial in this matter. Therefore, the Court DENIES Claimant Davis' request for a jury trial as contained in her Answer [# 10].

Signed: January 30, 2018

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

