

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:07cv24**

**UNITED STATES OF AMERICA,** )  
) )  
**Plaintiff,** ) )  
) )  
**Vs.** ) )  
) )  
**646 FORD ROAD, WARNE, CLAY** )  
**COUNTY, NC, as described in a** )  
**deed at Deed Book 278, Page 257** )  
**in the Public Registry of Clay County,** )  
**NC, being real property, together** )  
**with the residences, and all** )  
**appurtenances, improvements, and** )  
**attachments thereon; and \$1,796, 761.00** )  
**IN UNITED STATES** )  
**CURRENCY, et al.,** )  
) )  
**Defendants.** )  
) )

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**ORDER**

**THIS MATTER** is before the court upon compliance review with the court’s previous Order lifting the stay. In that Order, the parties received very specific directions on what was to be accomplished:

the previously stayed claimants shall file their Answer(s) within 20 days of entry of this Order. Upon filing such Answer(s), respective counsel shall meet as required by L.Cv.R. 16.1(A) and file their CIAC and proposed discovery plan as required by L.Cv.R.16.1(B). Counsel for any recognized lien holder of record may participate in formulating a discovery plan if they so desire.

Since that time, the government has moved for default as to each claimant, default has been entered, and a declaration of publication has been filed.

Even though default was entered April 15, 2009, and the time has well expired to submit claims responsive to the publication of notice, the government has neither moved for default judgment nor submitted a proposed CIAC or other report informing the court of the government's proposed course of action. The system of case management envisioned by the Board of Judges through their enactment of the local rules is driven by counsel, and the definition of joinder of the issues envisions a scenario, such as this, where only the plaintiff is left standing. See L.Cv.R. 16.1(D).

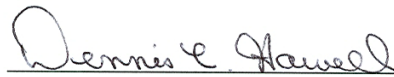
The government shall either move for default judgment or file its own CIAC outlining a proposed course of action for this case by September 18, 2009. Absent compliance, the undersigned will recommend that this action be dismissed for failure to prosecute.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that the government shall either move for default judgment or file its own CIAC outlining a proposed course of action for this case by September 18, 2009. Absent compliance with this the court's second

Order, the undersigned will recommend that this action be dismissed for failure to prosecute.

Signed: September 11, 2009



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Dennis L. Howell  
United States Magistrate Judge

