

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:13cv26**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 \$40,173.25 in UNITED STATES)
 CURRENCY and \$40,000.00 in UNITED)
 STATES CURRENCY,)
)
 Defendants.)
 _____)

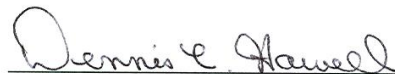
ORDER

Pending before the Court is the Government’s Motion to Compel and for More Definite Statement [# 9]. This is a forfeiture action against currency. Paragraph 8 of the Complaint specifically incorporated the individually enumerated paragraphs in the affidavit of Billy Stites, an agent with the Bureau of Indian Affairs. The affidavit was attached to the Complaint. Subsequently, Claimant William Dean Hyatt filed an Answer to the Complaint, but he did not admit or deny the individually enumerated paragraphs in the affidavit of Agent Stites. The Government then moved the Court to compel Claimant Hyatt to admit or deny the factual paragraphs contained in the affidavit of Agent Stites. Rather than respond to the motion, Claimant filed an Amended Answer that admitted or denied the enumerated paragraphs in the affidavit. Accordingly, the Court

DENIES as moot the motion [# 9].

As the Court has previously explained to the Government, it could eliminate the need for filing these motions, as well as the confusion to claimants by specifically including the factual allegations set forth in the affidavits attached to the complaints in the body of the complaints. This is the ordinary practice in drafting a complaint. The Court is unclear why the Government does not simply put the factual allegations that it wants a claimant to admit or deny into the body of the Complaint, and the Court strongly recommends that it do so in the future.

Signed: October 25, 2013

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Dennis L. Howell
United States Magistrate Judge

