

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:03CV580-GCM

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
)
 REAL PROPERTY LOCATED AT 6124)
 MARY LANE DRIVE, SAN DIEGO,)
 CALIFORNIA,)
 Defendant.)

ORDER

THIS MATTER is before the Court on motions “for Injunction Staying Sale of Defendant Property Until Ruling on Forfeitability by Fourth Circuit Court of Appeals” filed herein by James E. Munson, both *pro se* and purportedly on behalf of his mother, Ann M. Munson, the claimant in this civil forfeiture case, on or about January 15, 2009. The government has objected to the motions and filed a response.

As a preliminary matter, there is a question whether claimant is properly before the court. The government has pointed out that James Munson (“Munson”) is not a licensed attorney, although he has submitted a power of attorney which purportedly authorizes him to represent claimant in this matter. Claimant’s attorney of record, Gordon Widenhouse, has not signed claimant’s motion or filed any pleading regarding her motion.

As the court stated in orders filed on June 4, 2007, and January 14, 2008, Munson “neither filed a timely claim in this matter nor can he claim to be an innocent owner of the property . . . [and thus] he is not a party to this case.” Moreover, the government has represented that, upon the sale of the defendant property pursuant to the judgment herein, the net proceeds will be deposited into

the Department of Treasury Asset Forfeiture Fund and will be available in the event that either claimant or Munson should obtain any relief on appeal. *See United States v. Approximately \$25,829,681.80*, 2002 WL 1880709, at *1 (S.D.N.Y. 2002) (stay held unnecessary where government represented that it had no intention of distributing forfeited funds to victims until the conclusion of all litigation). Finally, Munson’s arguments based on “the personal nature of property rights and the unique nature of the defendant property . . . emotional ties . . .,” etc., *Memorandum at 2*, are not supported by citations to any legal authority. *See also United States v. Various Tracts of Land*, 74 F.3d 197 (10th Cir. 1996) (claimant/appellant’s motion for injunction against sale of forfeited real property denied). Accordingly,

IT IS THEREFORE ORDERED that the motions for injunctive relief are DENIED.

Signed: February 20, 2009



Graham C. Mullen
United States District Judge

