

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-857-MOC-DCK**

**UNITED STATES OF AMERICA,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **APPROXIMATELY \$21,481 IN FUNDS,** )  
 )  
 **Defendant,** )  
 )  
 **and** )  
 )  
 **DEREK JUSTIN HYPPOLITE,** )  
 )  
 **Claimant.** )  
 )

---

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on Plaintiff’s “Motion For Status Conference” (Document No. 8) filed April 24, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion, without prejudice.

The undersigned observes that Claimant, Derek Hyppolite, has failed to file a response to the pending motion, and the time to do so has lapsed. See Local Rule 7.1(e). Nevertheless, the undersigned will deny the motion at this time. Instead, the Court will require the parties, jointly if possible, to file a “Status Report and Proposed Scheduling Order.”

Plaintiff’s motion asserts that discovery in this matter has concluded and that the parties’ efforts to settle this case have failed. (Document No. 8, p.1). As such, it appears that this matter may be ripe for trial. However, the Court will direct the parties to confirm for the Court whether

or not either side seeks any additional discovery, motions practice, and/or when this matter will be ready for trial.

**IT IS, THEREFORE, ORDERED** that Plaintiff's "Motion For Status Conference" (Document No. 8) is **DENIED without prejudice**.

**IT IS FURTHER ORDERED** that the parties shall file a "Status Report and Proposed Scheduling Order" on or before **May 25, 2018**. The parties are encouraged to confer and make a joint filing; however, if that is not convenient, each side shall make its own timely filing. Failure to comply with this Order may result in sanctions.

**IT IS FURTHER ORDERED** that if Claimant is represented by counsel, or Claimant expects the Court or Plaintiff to copy counsel on future filings, Claimant's counsel shall immediately file a Notice Of Appearance. See Local Rule 83.1.

The Clerk of Court is directed to send a copy of this Order to the Claimant **and** to his "local California counsel" by certified U.S. Mail, return receipt requested, at both addresses identified in (Document No. 7).

**SO ORDERED.**

Signed: May 10, 2018

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

