

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00064-RJC-DSC

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 APPROXIMATELY \$90,020 IN FUNDS)
 SEIZED DURING THE TRAFFIC STOP OF)
 RICARDO DIAZ AND JOSE GUADELUPE)
 RODRIGUEZ,)
)
 Defendant.)

ORDER

THIS MATTER comes before the Court on the United States of America’s Motion for Default Judgment. (Doc. No. 13.)

On February 13, 2017, the United States (“Government”) filed a Complaint for Forfeiture *in rem* against the defendant-property captioned above. (Doc. No. 1.) The Complaint alleged that the property is proceeds of drug trafficking and/or was used to facilitate drug trafficking. (Doc. No. 1, ¶ 5.) The Complaint further alleged that the following persons may have or claim an interest in the defendant-property: Jose Rodriguez and Ricardo Diaz c/o Steven T. Meier, PLLC. (Doc. No. 1, at 5.)

Beginning on February 17, 2017 and continuing for thirty days thereafter, the Government provided Notice by Publication of this action pursuant to the Federal Rules of Civil Procedure and Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. (Doc. No. 4.)

In addition to notice by publication, Rule G(4)(b) requires that the Government

send direct notice of the action and a copy of the Complaint to potential claimants. The record is devoid of any evidence that the Government provided direct notice of this action and a copy of the Complaint to Jose Rodriguez and Ricardo Diaz, the potential claimants identified in the Complaint. Instead, the Government merely asserts in its Motion for Default Judgment that such direct notice was provided.

IT IS THEREFORE ORDERED that the United States' Motion for Default Judgment, (Doc. No. 13), is **DENIED without prejudice** to refileing the motion with sufficient evidence that direct notice was provided as required by Rule G(4)(b).

Signed: October 8, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

