

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	}	
	}	
VS.	}	CIVIL ACTION NO. H-07-3367
	}	
\$60725 IN U.S CURRENCY	}	

OPINION & ORDER

Pending before the Court in this civil forfeiture *in rem* action is a petition and second petition for release of seized property filed by claimant, George J. Kioussis (“Kioussis”) (Doc. 19 & Doc. 20). The United States of America (the “Government”) has filed a response in opposition (Doc. 21). For the reasons explained below, the court DENIES both claimant’s petitions.

Currently the Government is holding \$60, 725 in United States currency seized from Kioussis at George Bush Intercontinental Airport in Houston, Texas on September 10, 2007. Under 18 U.S.C. § 983(f) the person from whom the property was seized may petition for its release on the basis of hardship, as Kioussis has done here. Kioussis however bears the burden of proving that the hardship provisions of § 983(f) are applicable to his case under §983(f)(3)(B)(i). Instead Kioussis merely and baldly states that he has “met the conditions set forth in section 983(f)(3)(B).” *See*, Doc. 19. Failing to meet his burden, Kioussis’ petition is insufficient.

Furthermore, as the United States argues in its response, under § 983(f)(8)(A) where currency is involved the return-for-hardship § 983(f) provision is usually inapplicable unless “such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized.” Since it appears from the factual record that the

currency seized was from Kioussis himself at the airport rather than from a “legitimate business”
this gives further cause for denying the petition. Accordingly, it is hereby

ORDERED that Claimant George J. Kioussis petition and second petition
for release of seized property (Doc. 19 & Doc. 20) is DENIED.

SIGNED at Houston, Texas, this 13th day of November, 2008.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE