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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 FNH, MODEL "FIVE-SEVEN",
11 5.7x28 CALIBER PISTOL, SERIAL
12 NUMBER 386255811; and, 19
13 ROUNDS OF AMMUNITION,

14 Defendants.

NO: 4:15-CV-5050-TOR

ORDER OF DISMISSAL

14 A Complaint was filed in this matter on June 12, 2015. ECF No. 1. The file
15 reflects two persons were served with the Notice of Complaint for Forfeiture. ECF
16 No. 7, 8. On February 5, 2016, Motions for Entry of Default were filed. ECF Nos.
17 11 and 12. Clerk's Orders of Default were subsequently entered on February 5,
18 2015 at ECF Nos. 13 and 14. On August 19, 2016, this Court entered an Order to
19 Show Cause as to why this case should not be dismissed for failure to prosecute.
20 ECF No. 15. The United States timely responded and conceded that notice of

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1 forfeiture by publication had not been accomplished, this procedural flaw cannot
2 be remedied, and the case should be dismissed. ECF No. 17.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 This action is **DISMISSED** for failure to timely publish notice of forfeiture.
5 Rule G(4), Supp. R. Adm., Mar. & Forf. Claims to the Fed. R. Civ. P.

6 The District Court Executive is hereby directed to enter this Order, furnish a
7 copy to Plaintiff, and **CLOSE** the file.

8 **DATED** August 31, 2016.



Thomas O. Rice

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THOMAS O. RICE
Chief United States District Judge