

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-cv-00393

\$168,849.42 SEIZED FROM FIRST COMMUNITY
BANK, ACCOUNT NUMBER XX2781;
\$299,604.40 SEIZED FROM FIRST COMMUNITY
BANK, ACCOUNT NUMBER XX2660;
\$2,333,832.28 FROZEN FROM ALLY INVESTMENT,
ACCOUNT NUMBER XX-X6295-11;
\$45,000 FROZEN FROM ALLY INVESTMENT,
ACCOUNT NUMBER XX-X6295-11,

Defendants.

ORDER

Pending is Claimants Ross Bailey and R & R Delivery Service, Inc.'s (collectively "Claimants") Motion for Stay [ECF 14], filed December 10, 2024.

I.

On December 9, 2024, the Court entered a Show Cause Order directing the United States to advise whether this case should be dismissed or, alternatively, requiring the parties to submit their views concerning the necessary case events and intervals to bring this case to Judgment given the lack of activity in the matter. [ECF 12].

Claimants responded by filing the instant Motion, explaining they had initially retained John A. Carr as counsel but recently retained John D. Wooton, Jr. and R. Brandon Johnson

to replace Mr. Carr.¹ [ECF 14]. Claimants now seek to stay the case pending resolution of a parallel criminal action involving substantially similar issues to those alleged in the instant civil action. [*Id.*]. The United States does not oppose a stay and thus requests Claimants' Motion be granted or, alternatively, that the Court enter an Order and Notice allowing this case to proceed on the merits. [ECF 19].

II.

Inasmuch as the United States does not object, and in the interests of justice, the Court **GRANTS** the Motion [ECF 14] and **ORDERS** this action be **STAYED** pending resolution of the criminal proceedings in *United States of America v. Ross Jay Bailey*, Criminal Action No. 5:24-cr-00105 and **RETIRED** to the inactive docket pending further order of the Court.

The Clerk is directed to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: December 31, 2024




Frank W. Volk
Chief United States District Judge

¹ Based on Claimants' retention of new counsel, Mr. Carr filed a Motion to Withdraw [ECF 20] on December 16, 2024. Accordingly, the Court **GRANTS** the Motion [ECF 20], relieving Mr. Carr of all further representational duties effective this date.