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

UNITED STATES OF AMERICA,

Plaintiff,

v. CIVIL ACTION NO.: 5:23-cv-393

$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 CASH FROZEN FROM ALLY INVEST SECURITIES, LLC, ACCOUNT NUMBER XXX-X6295-11 RR A34;
$45,000.00 SECURITIES FROZEN FROM ALLY INVEST SECURITIES, LLC, ACCOUNT NUMBER XXX-X6295-11 RR A34;

Defendant.

WARRANT OF ARREST AND NOTICE IN REM

TO: UNITED STATES MARSHAL FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
OR ANY OF HIS AUTHORIZED DEPUTIES

WHEREAS, on May 17, 2023, the United States filed a Verified Complaint of Forfeiture in the United States District Court for the defendant $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 Cash Frozen From Ally Invest Securities, LLC, Account Number XXX-X6295-11 RR A34; $45,000.00 Securities Frozen From Ally Invest Securities, LLC, Account Number XXX-X6295-11 RR A34, Raleigh County, in the Southern District of West Virginia, alleging that the defendant currency was involved in one or more transactions or

attempted transactions in violation of 18 U.S.C. §§ 287,641, 1343, and 1956, and the defendant assets are also involved in monetary transactions in violation of 18 U.S.C. § 1957 or are traceable to property involved in such transactions and, therefore, is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A), (1)(C), and 985, and the Rules of Civil Procedure.

WHEREAS, in these circumstances Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions directs the Clerk of the Court to issue an arrest warrant *in rem* for the arrest of the above-referenced defendant; and

WHEREAS, the above-listed defendant currency is not in the custody of the United States or any of its agents.

YOU ARE, THEREFORE, COMMANDED to arrest the said Defendant currency and to maintain custody of it until further Order of this Court respecting the same; and

YOU ARE FURTHER COMMANDED TO PUBLISH, or cause the United States Attorney to publish, notice of this forfeiture action either in a newspaper of general circulation within the district once a week for three consecutive weeks, or on an official internet government forfeiture site for at least 30 consecutive days, beginning as soon as possible.

A RETURN of this warrant shall be promptly made to the Court identifying the individuals upon whom copies were served and the manner employed, and a statement as to the satisfaction of the orders herein issued.

All persons thought to have an interest in or claim against the above-listed defendant currency must file a verified claim with the Clerk of this Court, pursuant to 18 U.S.C. § 983(a)(4)(A) and Rule G(5)(a) of the Supplemental Rules for Certain Admiralty and Maritime

Claims, within thirty-five (35) days after the date on which this notice was sent, and shall serve and file their answers or a motion under Rule 12, as directed by Supplemental Admiralty Rule G(5)(b), within twenty-one (21) days after the filing of their claims. A claimant waives an objection to *in rem* jurisdiction or to venue if the objection is not made by motion or stated in the answer.

All such claims and answers must be filed with the Office of the Clerk, United States District Court, Robert C. Byrd United States Courthouse, 110 N. Heber Street, Room 119, Beckley, West Virginia 25801, with copies thereof sent to Christopher A. Arthur, Assistant United States Attorney, 300 Virginia Street East, Room 4000, Charleston, West Virginia 25301. Filing with the Clerk's Office and service upon the United States also may be done electronically by accessing the following website: https://ecf.wvsd.uscourts.gov, referencing this civil action.

Failure to file such verified claims and answers in the proper form and in a timely manner may result in such pleadings being stricken from the record or the plaintiff seeking a default or final judgment as may be appropriate.

Dated this ___ day _____ of , 2023.

RORY PERRY II,Clerk
United States District Court

By: _____

Deputy Clerk