IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
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; and
$45,000 FROZEN FROM ALLY INVESTMENT, ACCOUNT NUMBER XX-X6295-11,

Defendants *in rem*.

MOTION TO LIFT STAY

Plaintiff, the United States of America, respectfully requests that the Court lift the stay entered in the above-captioned civil asset forfeiture action and states the following in support thereof:

On May 17, 2023, an *in rem* Verified Complaint of Forfeiture was filed in this case which prayed for relief in the form of asset forfeiture of the Defendant Assets under 18 U.S.C. 981(a)(1)(C) because the funds in each account are proceeds of the theft of government funds in violation of 18 U.S.C. § 641, wire fraud in violation of 18 U.S.C. § 1343, submitting false, fictitious, or fraudulent claims for money to the U.S. government programs in violation of 18 U.S.C. § 287, money laundering including financial transfers and transactions in violation of 18 U.S.C. § 1957 and 1956. [ECF 1].

On December 10, 2024, Claimant Ross Bailey filed a Motion for Stay with the Court [ECF 14]. The Court granted the Motion for Stay pending resolution of the criminal proceedings in *United States of America v. Ross Bailey*, Criminal Action No. 5:24-cr-00105. [ECF 21].

On April 27, 2026, Claimant Ross Bailey was sentenced to Five (5) years of probation, with the first twenty-four (24) months to be served on home confinement with electronic monitoring as a special condition after entering a guilty plea to 18 U.S.C. § 641 (theft of government funds) in Criminal Action No. 5:24-cr-00105 [ECF 74]. No Notice of Appeal has been filed in the criminal action, and it appears Claimant Ross Bailey's underlying criminal matters have been adjudicated.

Claimant Ross Bailey and the Plaintiff United States of America have signed a stipulated settlement agreement which will resolve this matter. Upon the lifting of the stay, the United States will file the appropriate documents for the Court's review and approval.

WHEREFORE, for all the reasons stated herein, Plaintiff United States of America respectfully moves that the Court enter an Order lifting the stay in the above-captioned civil-forfeiture action.

Respectfully submitted,

MOORE CAPITO
United States Attorney

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