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*.

APPLICATION FOR ENTRY OF
DEFAULT BY THE CLERK

COMES NOW the United States of America, by counsel, Justin A. Marlowe, Assistant United States Attorney for the Southern District of West Virginia, pursuant to Rules 55(a) and 55(b)(1) of the Federal Rules of Civil Procedure, and does hereby apply to the Clerk of this Honorable Court for an entry of default against would-be-claimants Ally Invest Securities, LLC, First Community Bank, Small Business Administration, and R&R Delivery Service, Inc. In support of said Application, the United States represents as follows:

1. The United States filed a Verified Complaint of Forfeiture *in rem* against the above-referenced Defendants on May 17, 2023, hereinafter [“Defendant Currency”]. [ECF 1].

2. On May 18, 2023, the Clerk of this Court issued a "Warrant of Arrest and Notice i*n rem*" for the arrest of the Defendant Currency pursuant to Rule G(3)(b)(i), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [ECF 3].

3. The United States identified Ross Bailey, Ally Invest Securities, LLC, First Community Bank, Small Business Administration, and R&R Delivery Service, Inc. as potential claimants to the Defendant Currency seized and/or frozen in this matter.

4. The United States published "Notice of Forfeiture Action" on an official government internet site for at least 30 consecutive days, beginning on November 10, 2023, and ending on December 9, 2023, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [ECF 9].

5. On November 24, 2023, the United States mailed via United States mail certified return receipt the Notice of Forfeiture Action to the potential would-be-claimants, notifying them that the United States was seeking forfeiture of the Defendant Currency. [ECF 11].

6. The Notice of Forfeiture Action directed all would-be-claimants to file a claim within 35 days of the date of service and an answer within 21 days of the filing of this claim.

7. More than 60-days has lapsed since Ally Invest Securities, LLC, First Community Bank, Small Business Administration, and R&R Delivery Service, Inc. were served in this case.

8. The following entities have failed to file a claim and answer to the Notice of Forfeiture to Defendant Currency and are therefore in default. Those entities are Ally Invest Securities, LLC, First Community Bank, Small Business Administration, and R&R Delivery Service, Inc., and therefore the United States requests that an entry of default be issued against them by the Clerk.

9. On December 19, 2023, the Small Business Administration filed a Petition for Remission against the Defendant Currency. The Small Business Administration's claim will be settled through the remission process.

10. On December 22, 2023, Ross Bailey filed an Answer to the Verified Complaint of Forfeiture. [ECF 10].

WHEREFORE, based on the foregoing, the United States respectfully requests that a default be entered against would-be-claimants Ally Invest Securities, LLC, First Community Bank, Small Business Administration, and R&R Delivery Service, Inc., and therefore the United States requests that an entry of default be issued against them by the Clerk.

Dated this 28th day of May, 2026.

Respectfully submitted,

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United States Attorney

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