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*.

DEFAULT JUDGMENT, FINAL ORDER OF FORFEITURE AND STIPULATION AND SETTLEMENT AGREEMENT

Plaintiff United States of America has moved the Court to enter a Default Judgment, defaulting Ross Jay Bailey, Ally Invest Securities, LLC, First Community Bank, and R&R Delivery Service, Inc., and for the entry of a Final Order of Forfeiture in accordance with the Plea Agreement and Judgment in criminal case number 5:24-cr-00105 and the Stipulated Settlement Agreement filed as "Exhibit B" with the Motion for Default Judgment and Final Order of Forfeiture in this civil matter.

WHEREAS, on May 17, 2023, the United States filed a Verified Complaint of Forfeiture *in rem* against the following Defendants:

1. $168,849.42 seized from First Community Bank account number xx2781;

2. $299,604.40 seized from First Community Bank account number xx2660;

3. $2,333,832.28 frozen from Ally Investment account number xx-x6295-11; and

4. $45,000 frozen from Ally Investment account number xx-x6295-11.

WHEREAS, on May 18, 2023, the Clerk of this Court issued a "Warrant of Arrest and Notice *in rem*". [ECF 3].

WHEREAS, notice of the civil forfeiture proceeding as to the Defendants listed above was posted 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., as evidenced by the Declaration of Publication on file with the United States' intentions of disposing of the forfeited property according to law, and notified third-parties of their right to petition the Court.

WHEREAS, notice was mailed via United States certified mail to Ross Jay Bailey, Ally Invest Securities, LLC, First Community Bank, and R&R Delivery Service, Inc. and the U.S. Small Business Administration as potential third-party claimants on November 24, 2023. [ECF 11].

WHEREAS, the Notice of Forfeiture Action directed all would-be-claimants to file a Verified claim with the court within 35 days of the date of the Notice and an answer within 21 days after filing the verified claim.

WHEREAS, the U.S. Small Business Administration filed a Petition for Remission on December 19, 2023, against the Defendants Currency. The judgment in criminal matter

number 5:24-cr-00105 against Mr. Bailey granted restitution to the U.S. Small Business Administration in the amount of $1,596,301.46.

WHEREAS, an "Answer and General Denial by Claimant" was filed by Ross Jay Bailey on December 22, 2023. [ECF 10].

WHEREAS, on June 26, 2024, an Indictment was returned against Ross Jay Bailey. [ECF 1] in 5:24-cr-00105.

WHEREAS, on June 2, 2025, a Plea Agreement signed by Ross Jay Bailey, was entered with the United States in the criminal matter and as part of that plea agreement Bailey consented to the forfeiture of all the seized and frozen funds in this civil case. [ECF 53] in 5:24-cr-00105.

WHEREAS, the United States and Ross Bailey also entered into a stipulated settlement agreement wherein Ross Jay Bailey consented to the forfeiture of all the seized and frozen funds in this civil case.

WHEREAS, Ally Invest Securities, LLC, First Community Bank, and R&R Delivery Service, Inc. received proper service and have failed to file a claim and answer or otherwise plead to the "Notice of Forfeiture Action." [ECF 9].

WHEREAS, no other claims have been filed in this matter and upon entry of this order the entirety of this matter may be dismissed.

WHEREAS, the Court finds that the defendant Ross Bailey had an interest in the above-described property that is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all right, title and interest is hereby **CONDEMNED**, **FORFEITED**, and **VESTED** to the United States of America, and shall be disposed of according to law for the following and per the Judgment in the criminal matter number 5:24-cr-00105:

1. $168,849.42 seized from First Community Bank account number xx2781;
2. $299,604.40 seized from First Community Bank account number xx2660;
3. $2,333,832.28 frozen from Ally Investment account number xx-x6295-11; and
4. $45,000 frozen from Ally Investment account number xx-x6295-11.

The Clerk is directed to send certified copies of this Order to counsel of record, to Special Agent, Thomas Atherton, United States Secret Service, 300 Summers Street, Suite 910, Charleston, West Virginia 25301 and to email a copy to the United States Secret Service, ATTN: Camille Comfort at camille.comfort@usss.dhs.gov.

IT IS SO ORDERED this ____ day of _____, 2026.

ENTER:

_____
FRANK W. VOLK, CHIEF JUDGE
UNITED STATES DISTRICT COURT

ORDER PREPARED BY:

/s/Justin A. Marlowe_____
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