

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Defendant.

Case No. 10-40077-02-JAR

The boat at issue in the sealed repatriation order was included in the Court’s preliminary order of forfeiture in this case. This Court has authority to issue a protective restraining order or injunction, or take any other action to prevent dissipation of assets and preserve availability of property that is subject to forfeiture.¹ The Court has reviewed the government’s response and the sealed documents that provided the basis for the Court’s repatriation order and finds

¹Fed. R. Crim. P. 32.2(b)(3); 21 U.S.C. § 853(e)(1)(A).

sufficient evidence existed to include Mr. Stacy's name in the order. Therefore, his request to remove his name from the order is denied. If Mr. Stacy is correct that he holds no interest in or authority over this asset, the repatriation order causes him no hardship or due process concern.

Mr. Stacy's request for discovery is also denied. He is not a party to this action and the government has taken no action that implicates his due process rights. The forfeiture proceedings in this case are presently stayed pending resolution of defendant Brenda Becker's case. Once the stay of the forfeiture proceeding is lifted, he will be allowed to participate in any third-party ancillary proceeding if he asserts such an interest.²

IT IS THEREFORE ORDERED BY THE COURT that movant Michael Stacy's Motion to Remove Name and for Discovery (Doc. 99) is **denied**.

IT IS SO ORDERED.

Dated: April 14, 2011

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

²Fed. R. Crim. P. 32.2(b)(2); 21 U.S.C. § 853(n).