

No. 20- - - -

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SUPREME COURT OF THE UNITED  
STATES

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Nikkolas Thompson,

*Petitioner,*

vs.

United States of America,

*Respondent.*

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On Petition for a Writ of  
Certiorari to the United States  
Court of Appeals for the Eight  
Circuit

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**APPENDIX**

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**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 18-2701

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United States of America

Plaintiff - Appellee

v.

\$284,950.00 in US Currency

Defendant

Nikkolas Thompson

Claimant - Appellant

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Appeal from U.S. District Court for the Eastern District of Arkansas - Little Rock  
(4:16-cv-00168-BSM)

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**JUDGMENT**

Before COLLTON, GRUENDER and ERICKSON, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

August 12, 2019

Order Entered in Accordance with Opinion:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

United States Court of Appeals  
For the Eighth Circuit

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No. 18-2701

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United States of America

*Plaintiff - Appellee*

v.

\$284,950.00 in U.S. Currency

*Defendant*

Nikkolas Thompson

*Claimant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Little Rock

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Submitted: April 18, 2019  
Filed: August 12, 2019

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Before COLLTON, GRUENDER, and ERICKSON, Circuit Judges.

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GRUENDER, Circuit Judge.

Nikkolas Thompson appeals the district court's<sup>1</sup> judgment in favor of the United States in this civil forfeiture action. We affirm.

In 2015, Transportation Security Administration agents at the Little Rock, Arkansas airport discovered nearly \$285,000 in cash in a false bottom of Thompson's suitcase, and a drug-sniffing dog indicated the odor of narcotics on the suitcase. The Government filed a complaint seeking to forfeit the money under 21 U.S.C. § 881(a)(6). Thompson filed a verified claim and answer contesting the Government's action, asserting that part of the money belonged to a business, part of it was personal savings jointly held with his girlfriend, and that he "has an interest in the property that is the subject of this lawsuit as an owner of the property, and he has a possessory interest and a right to possess the property as an owner and/or agent of the owner."

To maintain a claim for property subject to forfeiture, a claimant must establish standing. *See generally United States v. \$31,000.00 in U.S. Currency*, 872 F.3d 342, 348 (6th Cir. 2017). Supplemental Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions sets a low threshold for claimants initially to establish statutory standing, requiring only that a claim in a civil forfeiture proceeding "identify the claimant and state the claimant's interest in the property." Fed. R. Civ. P. Supp. R. G(5)(a)(i)(B); *see also United States v. \$579,475.00 in U.S. Currency*, 917 F.3d 1047, 1048-49 (8th Cir. 2019). But the assertion of an "interest in the property" that is necessary to satisfy Supplementary Rule G(5) may turn out to be false. Therefore, "[u]nlike in typical civil proceedings, the government may commence limited discovery immediately after a verified claim is filed," *United States v. \$133,420.00 in U.S. Currency*, 672 F.3d 629, 635 (9th Cir.

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<sup>1</sup>The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas.

2012), for the purpose of “gather[ing] information that bears on the claimant’s standing,” Fed. R. Civ. P. Supp. R. G advisory committee’s note to 2006 adoption. The special interrogatories provided for in Supplemental Rule G(6) operate as a “mechanism to address unsubstantiated claims” and “may be used to test the claimant’s relationship to the property.” *\$579,475.00*, 917 F.3d at 1049. If a claimant’s assertions of ownership in his initial claim are undermined by his answers to the special interrogatories, his standing could then be challenged on a motion for summary judgment, where the claimant would have to “carry the burden of establishing standing by a preponderance of the evidence.” *See* Fed. R. Civ. P. Supp. R. G(8)(c); *see generally United States v. \$133,420.00*, 672 F.3d at 638-39 (explaining that “at the motion to dismiss stage, a claimant’s unequivocal assertion of an ownership interest in the property is sufficient by itself to establish standing” but “[a] claimant asserting an ownership interest in the defendant property . . . must also present some evidence of ownership beyond the mere assertion in order to survive a motion for summary judgment” for lack of standing (internal quotation marks omitted)).

The Government served Thompson with special interrogatories pursuant to Supplemental Rule G(6). The Government identified several deficiencies in Thompson’s answers. After he did not supplement his answers, the Government filed a motion to strike Thompson’s claim because he failed to comply with Supplemental Rules G(5) and G(6). *See* Fed. R. Civ. P. Supp. R. G(8)(c)(i)(A). The Government asked that Thompson at least be compelled to provide adequate responses to the special interrogatories if the court chose not to strike Thompson’s claim.

On July 27, 2017, the district court concluded that Thompson’s claim had satisfied Supplementary Rule G(5)’s initial threshold for standing, denied the Government’s motion to strike, and ordered Thompson to “supplement his responses to the special interrogatories as requested by the United States within 21 days.”

Despite multiple extensions of time acceded to by the Government, Thompson continued to provide incomplete responses to the interrogatories, and the Government filed another motion to strike his claim. Thompson countered that the interrogatories were overly burdensome and sought a protective order. He also filed a motion to dismiss the forfeiture proceedings, arguing that the Government's complaint failed to state a claim against the seized currency. The district court denied Thompson's motion for a protective order, struck his claim as a Rule 37 discovery sanction for failing to comply with the July 27, 2017 order, and denied his motion to dismiss as moot. The district court then granted the Government's motion for default judgment and a decree of forfeiture and denied Thompson's motion to alter the judgment and for reconsideration.

First, we review Thompson's appeal of the district court's decision to strike his claim for abuse of discretion. *See United States v. One Parcel of Prop. Located at RR 2, Independ., Buchanan Cty.*, 959 F.2d 101, 104 (8th Cir. 1992). "A claimant's failure to comply with the interrogatory rule is grounds to strike the claim." *§579,475.00*, 917 F.3d at 1049. A claimant who "fails to obey an order to provide or permit discovery" runs the risk of the district court "striking [his] pleadings in whole or in part." Fed. R. Civ. P. 37(b)(2)(A). An "evasive or incomplete disclosure, answer, or response" to an interrogatory constitutes a failure to answer. Fed. R. Civ. P. 37(a)(4). Striking a claim is "an extreme sanction that should be applied only where there is an order compelling discovery, a willful violation of the order, and prejudice to the other party." *United States v. \$11,071,188.64 in U.S. Currency*, 825 F.3d 365, 369 (8th Cir. 2016) (internal quotation marks omitted). But in the civil forfeiture context, "the special role that [special interrogatories] play[] in the scheme for determining claim standing may justify a somewhat more demanding approach than the general approach to discovery sanctions under Rule 37." Fed. R. Civ. P. Supp. R. G advisory committee's note to 2006 adoption.

Here, the district court ordered Thompson to provide supplemental responses to the special interrogatories. Thompson's responses showed a willful violation of this discovery order. He failed to verify his supplemental answers as required by Fed. R. Civ. P. 33(b)(5). He failed to supplement his response to Special Interrogatory 1 entirely. He also failed to identify relevant documents as requested and gave confusing accounts of who owned the money, asserting in his responses that he had a personal ownership interest in all of it and that part of it was property of a separate business, of which he and his girlfriend were both partners. He had already asserted in his claim that he and his girlfriend owned part of the money jointly as savings. His responses failed to clarify which portions belonged to which parties. Finally, the Government made several requests for documents or records that supported his claim that he obtained the currency through gifts, investments, and employment, to which Thompson replied that he could not provide responsive documents because the Government had seized relevant documents. In reality, the Government had offered Thompson access to all of his information in its possession, but Thompson never accepted this offer.

These opaque, confusing, and evasive responses prejudiced the Government by hindering its ability to "gather information that bears on the claimant's standing" as provided for in the Supplemental Rules. *See* Fed. R. Civ. P. Supp. R. G advisory committee's note to 2006 adoption. We have previously held that where the Government concedes that a claimant has established standing, no special interrogatories are necessary to test that issue, and it would be an abuse of discretion to strike a claim for failure to respond to them. *United States v. \$154,853.00 in U.S. Currency*, 744 F.3d 559, 564 (8th Cir. 2014), *overruled on other grounds by* \$579,475.00, 917 F.3d at 1049-50. But here, the Government has not conceded Thompson's standing and actively contests it. Moreover, Thompson's responses to the special interrogatories actually raised significant questions about his standing. For example, though he provided some bank and tax documents, they do not explain

his possession of so much currency, and he has failed to provide these documents with any context that would allow the Government to connect the currency with his financial history. And because of the ambiguity of his responses, it remains unclear which portion of the currency he is claiming and which portion is claimed by his girlfriend or their business. In short, Thompson's standing was contested and was ripe for determination on summary judgment, and Thompson prejudiced the Government by willfully failing to respond adequately to discovery that sought to test that standing after being ordered to do so by the district court. *See Fed. R. Civ. P. Supp. R. G(8)(c)(i)(A)*. We find no abuse of discretion in the district court's decision to strike his claim. *See \$11,071,188.64*, 825 F.3d at 369-70 (finding no abuse of discretion in striking a claim when the claimant willfully disobeyed the discovery order).

Finally, Thompson argues that his motion to dismiss was improperly denied because the Government failed to state a claim against the currency. But the Government's motion to strike "must be decided before any motion by the claimant to dismiss the action." Fed. R. Civ. P. Supp. R. G(8)(c)(ii)(A). And when Thompson's claim is "stricken, he is out of the case." *United States v. Beechcraft Queen Airplane Serial No. LD-24*, 789 F.2d 627, 627, 630 (8th Cir. 1986). No longer a party, he has no "legally cognizable interest in the outcome" of the forfeiture action, and his motion to dismiss is moot.<sup>2</sup> *See Already, LLC v. Nike, Inc.*, 568 U.S.

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<sup>2</sup>In addition, the district court properly denied Thompson's motion to dismiss as premature because "[t]he government need not respond to a claimant's motion to dismiss the action under Rule G(8)(b) until 21 days after the claimant has answered these interrogatories," which he never did. Fed. R. Civ. P. Supp. R. G(6)(c).

85, 91 (2013). We also decline to reach Thompson’s constitutional arguments, which are likewise moot.<sup>3</sup>

For the foregoing reasons, we affirm.<sup>4</sup>

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<sup>3</sup>Thompson claimed for the first time in a letter pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure that the striking of his claim violated the Eighth Amendment’s prohibition on excessive fines. “Because an appellant is not permitted to raise arguments for the first time in a Rule 28(j) letter, we decline to consider [the] argument.” *United States v. Thompson*, 560 F.3d 745, 751 (8th Cir. 2009).

<sup>4</sup>We deny the Government’s motion to supplement the record in light of our decision.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16-CV-00168 BSM

\$284,950 IN U.S. CURRENCY

DEFENDANT

NIKKOLAS THOMPSON

CLAIMANT

ORDER

The government's second motion to strike claimant Nikkolas Thompson's verified claim and answer [Doc. No. 28] is granted. Thompson's motion to dismiss [Doc. No. 37] is denied.

I. BACKGROUND

Law enforcement agents seized \$284,950 in cash from Thompson's luggage at the Little Rock airport, on September 29, 2015, believing it to be the proceeds of illegal drug sales. Compl. ¶¶ 7–10, Doc. No. 1. When agents questioned Thompson about the money, he told them that he was going to California to scout prospective locations for his business and brought cash to purchase a property if he found one that was suitable. *Id.* ¶¶ 16–17, 21. Thompson further stated that the money belonged to him and his girlfriend/business partner and that it was earned from their joint business as well as their separately paid employment. Am. Claim ¶¶ 5–7, Doc. No. 6. The government took possession of the money and filed this civil forfeiture lawsuit. Thompson challenges the forfeiture.

In September 2016, the government served special interrogatories on Thompson, who

provided late and insufficient responses. Mot. Strike Exs. 3, 4, 6, 8–9, Doc. No. 13. The government moved to strike Thompson’s claim, which was denied, and Thompson was given 21 days to supplement his responses. Order at 2, Doc. No. 27.

Thompson later supplemented his responses, but they again failed to fully address a number of the requests in the special interrogatories. *See* Second Mot. Strike Exs. 1, 3, Doc. No. 28. The government asked Thompson to correct the deficiencies by September 1, 2017, and offered to further discuss them. *Id.* Exs. 2, 3. Thompson, however, missed the September 1 deadline, and the government contacted Thompson’s counsel and agreed to forego seeking sanctions if Thompson would properly supplement his responses by September 8. *Id.* Ex. 2. Thompson was amenable to this proposal, but he did not comply with this new deadline nor respond to the government’s inquiry about the status of the responses on September 9. *Id.* The government now moves to strike his claim.

## II. LEGAL STANDARD

A party that fails to respond to discovery requests or comply with court orders is subject to sanctions, including the striking of claims or pleadings. *See* Fed. R. Civ. P. Supp. R. G(8)(c)(i)(A); Fed. R. Civ. P. 37(b). In asset forfeiture cases, the Advisory Committee Notes to the Supplemental Rules state that “the sufficiency of a claimant’s responses to special interrogatories under Rule G(6) should be evaluated using a ‘more demanding’ standard than that employed to determine eligibility for discovery sanctions under Rule 37 of the Federal Rules of Civil Procedure.” *United States v. \$333,806.93 in Proceeds from Foreclosure of Real Property Located at 26948 Pacific Coast Highway, Malibu, CA*, No. CV

05-2556, 2010 WL 3733932, at \*1 (C.D. Cal. August 30, 2010) (quoting Adv. Comm. Note to Supp. R. G(8)(c)(i)(A)). Moreover, Rule 37 states that an “evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.” Fed. R. Civ. P. 37(a)(4).

Although courts routinely grant “motions to strike verified claims and answers for failure to respond to special interrogatories,” *United States v. \$29, 410.00 in the U.S. Currency*, No. CIV-13-132-D, 2014 WL 457590, at \*1 (W.D. Okla. Feb. 10, 2014) (collecting cases), “[n]ot every failure to respond to [Rule G(6)] interrogatories warrants an order striking the claim.” Accordingly, courts typically afford claimants one or even several opportunities to cure defective Rule G(6) responses, except where the circumstances indicate that it would be futile to do so or reflect persistent discovery abuses.” *United States v. Real Property Located at 17 Coon Creek Road, Hawkins Bar California, Trinity County*, 787 F.3d 968, 973 (9th Cir. 2015) (quoting Adv. Comm. Note to Supp. R. G(8)(c)(i)(A)).

### III. DISCUSSION

Like some other civil forfeiture cases, the facts are troubling. Thompson has neither been formally accused of nor convicted of a crime. The government nonetheless seized his money at the airport and wants to permanently take it from him. While not downplaying the inherent suspiciousness of holding very large amounts of cash without a plausible explanation, there is nothing unlawful about carrying \$284,950 in cash in one’s suitcase. Bizarrely, the burden of proof falls on Thompson to establish that the money he was carrying is not the fruit of any illicit activities. In doing so, he faces a dilemma: he can either answer

the government's special interrogatories and possibly incriminate himself, or he can decline to do so and forfeit his property, despite not having been accused or convicted of any crime. Although this is somewhat unfair and reflective of an abusive civil forfeiture regime, *see Leonard v. Texas*, 137 S.Ct. 847 (Mem) (2017) (Thomas, J. statement respecting denial of certiorari), striking his claim is the legally correct sanction for his failure to comply with the order directing him to supplement his responses.

As discussed above, this is Thompson's second opportunity to respond to the interrogatories. Although he provided supplemental responses, they contain a number of obvious deficiencies, and Thompson does not assert that they are fully responsive to the government's requests.

First, Thompson failed entirely to supplement his response to Special Interrogatory Number 1. Second, Thompson failed to specifically identify the relevant documents requested in Special Interrogatories 2, 4, 6, 8, and 12. *See* Fed. R. Civ. P. Supp. R. G(1) ("To the extent that this rule does not address an issue, Supplemental Rules C and E and the Federal Rules of Civil Procedure apply."); Fed. R. Civ. P. 33(d)(1) (requiring that a party who chooses to respond to an interrogatory with records "specify[] the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could."). Third, Thompson has not explained his interests in the money as requested in Special Interrogatory 3. Fourth, Thompson failed to identify the source of the gifts or investments and whether his income has been reported to appropriate tax authorities as requested in Special Interrogatory 7. Fifth, Thompson has not sufficiently

described the nature of his relationship with the money as requested in Special Interrogatory 9. Finally, Thompson failed to provide the contact information of individuals he identified as being able to corroborate his ownership claims as requested in Special Interrogatory 11.

Allowing the government to take Thompson's money under these circumstances is troubling, but Thompson's failure to comply with the July 27, 2017, order justifies striking his claim. He has had ample time to supplement his responses and has missed multiple deadlines without cause or explanation. Moreover, his failure to comply with the prior order is unreasonable in light of the fact that the government has repeatedly offered him additional extensions of time, demonstrated a willingness to further discuss the deficiencies in his supplemental responses, and stated that it can make available various records for his review. His persistent failure to meet his discovery obligations warrants striking his claim. *See, e.g.*, *United States v. \$29,410.00 in U.S. Currency*, 600 Fed. Appx. 621, 623–24 (10th Cir. 2015); *United States v. \$49,000 in U.S. Currency*, 330 F.3d 371, 376–79 (5th Cir. 2003). It is, however, understandable why Thompson has willfully failed to comply with the order—it appears that he is trying to avoid turning over incriminating information.

Thompson's arguments in response are unpersuasive. First, he argues that the motion to strike should be denied because he has satisfied Rule G(5)'s pleading requirements. This issue, however, has already been resolved in his favor in the July 27, 2017, order and is simply irrelevant here. The government moves to strike for his failure to comply with the prior order directing him to supplement his responses to the special interrogatories, not because he has failed to plead an adequate claim.

Second, Thompson argues that the interrogatories are overly burdensome, and he seeks a protective order. Again, however, the July 27, 2017, order found that the government was entitled to complete answers to its interrogatories, except for Special Interrogatory Number 5.

Moreover, his motion for a protective order is untimely and is without merit under the facts and applicable law. First, Thompson's request for a protective order is untimely. Objections to discovery requests must have specific grounds and be timely raised. Fed. R. Civ. P. Supp. G(1); Fed. R. Civ. P. 33(b)(4) ("The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure."). Indeed, Thompson failed to object to the scope of discovery in his original and partially supplemented responses over the past two years. Only after he was ordered to supplement his responses does Thompson argue, with little explanation, that the government's requests are burdensome.

Second, a protective order is unwarranted because the government's interrogatories do not impose an undue burden on Thompson. Among other things, they request information about where he has lived and worked, whose interests Thompson represents in this lawsuit, and the contact information of individuals he previously identified as having discoverable information. These are all appropriate and routine questions asked of parties during discovery, and Thompson has not shown why they are unduly burdensome. The only specific burden Thompson identifies is the fact that the government has taken custody of his business records and electronic devices. This, however, is not a true burden because the

government has repeatedly offered to make available all of these items for his inspection and use in answering the special interrogatories. Thompson has not availed himself of these opportunities.

Thompson also seeks judgment on the pleadings. Thompson is not entitled to dismissal and judgment without first responding to the special interrogatories. *See Fed. R. Civ. P. Supp. R. G(6)(c)* (“The government need not respond to a claimant’s motion to dismiss the action under Rule G(8)(b) until 21 days after the claimant has answered these interrogatories.”); *United States v. Vazquez-Alvarez*, 760 F.3d 193, 197 (2d Cir. 2014). Next, the government’s complaint survives a motion for judgment on the pleadings because it alleges facts that, when taken as true, support a reasonable belief that the government can meet its burden of proof at trial. *United States v. \$506,069.09 Seized from First Merit Bank*, 664 Fed. Appx. 422, 433 (6th Cir. 2016) (discussing the reasonable belief standard of Rule G(2)(f)); *United States v. \$63,530.00 in U.S. Currency*, 781 F.3d 949, 955–56 (8th Cir. 2015) (“Possession of large amounts of currency provides strong evidence of a connection between the currency and drug activity. Other circumstantial evidence that helps prove a substantial connection may include a drug dog’s alert, the particular packaging of the currency, or a claimant’s behavior.”) (citation omitted).

Although I am sympathetic to Thompson on this issue, his arguments that the federal forfeiture statutes are unconstitutional are rejected because he has failed to fully develop them. Indeed, he does not support his arguments with any discussion or citations to applicable law. For this reason, they are not considered. *See McPherson v. Kelsey*, 125 F.3d

989, 995–96 (6th Cir. 1997) (“[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived. It is not sufficient for a party to mention a possible argument in the most skeletal way, leaving the court to . . . put flesh on its bones.”) (quotation omitted).

Finally, I agree with Justice Thomas’s position in *Leonard* that civil forfeiture has gotten out of hand and that it needs to be reigned in so it is at least loosely tethered to its founding principles. 137 S.Ct. at 847. This, however, is not the appropriate case to begin rethinking this area of the law because Thompson has not provided the basis to do so.

#### IV. CONCLUSION

For these reasons, the government’s second motion to strike Thompson’s verified claim and answer [Doc. No. 28] is granted, and Thompson’s verified claim and answer are stricken. Thompson’s motion to dismiss [Doc. No. 37] is denied.

IT IS SO ORDERED this 22nd day of May 2018.

Brian S. Miller  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16-CV-00168 BSM

\$284,950 IN U.S. CURRENCY

DEFENDANT

**ORDER AND DECREE OF FORFEITURE**

The United States' motion for default judgment and a decree of forfeiture [Doc. No. 44] is granted. Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States filed a verified complaint *in rem* for forfeiture of the defendant currency, served the complaint on all required parties, and published notice. Nikkolas Thompson filed a claim that was struck because he failed to satisfy his discovery obligations. *See* Doc. No. 41. No other party filed a claim or answer or otherwise defended the case, and the time to do so has expired. Therefore, the Clerk entered a default. Doc. No. 43.

Pursuant to Federal Rule of Civil Procedure 55(b), default judgment is entered for the United States, and the defendant currency is forfeited. Title is vested in the United States, and all prior claims are extinguished and void. The defendant currency shall be disposed of according to law.

IT IS SO ORDERED this 25th day of May 2018.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16-CV-00168 BSM

\$284,950 IN U.S. CURRENCY

DEFENDANT

ORDER

Claimant Nikkolas Thompson's motions to alter the judgment [Doc. No. 47] and for reconsideration [Doc. No. 49] are denied. Although the government bears the burden of proving a connection between the defendant currency and a crime, Thompson's claim was properly struck because he failed to comply with his discovery obligations.

IT IS SO ORDERED this 9th day of July 2018.

Brian S. Miller  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:16-CV-00168 BSM

\$284,950 IN U.S. CURRENCY

DEFENDANT

JUDGMENT

Consistent with the order entered on this day, default judgment is entered for the United States.

IT IS SO ORDERED this 25th day of May 2018.

Brian S. Miller  
UNITED STATES DISTRICT JUDGE

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 18-2701

United States of America

Appellee

v.

\$284,950.00 in US Currency

Nikkolas Thompson

Appellant

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Appeal from U.S. District Court for the Eastern District of Arkansas - Little Rock  
(4:16-cv-00168-BSM)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

October 22, 2019

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans