

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO.1:21CV564</b>
	)	
<b>Plaintiff,</b>	)	<b>SENIOR JUDGE</b>
	)	<b>CHRISTOPHER A. BOYKO</b>
<b>vs.</b>	)	
	)	
<b>REL PROPERTY LOCATED AT 100</b>	)	<b>ORDER</b>
<b>MOUNTAIN VIEW DRIVE,</b>	)	
<b>MORELAND HILLS, OHIO</b>	)	
<b>CUYAHOGA COUNTY PERMANENT</b>	)	
<b>PARCEL NOS. 913-06-001 AND 913-06-</b>	)	
<b>005, ET AL.,</b>	)	
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, SR. J;**

This matter is before the Court on Claimant Eyton Senders' Motion for Leave to File Claims Under Seal and for a Protective Order Limiting Use of Claims to this Matter.

(ECF # 3). Claimant Senders moves the Court to allow him to file claims to the defendant property under seal to protect his Fifth Amendment right against self-incrimination in filing his claim. He further asks the Court for a protective order limiting the use of the claims filed to this civil case. The Government has indicated it does not oppose Senders' Motion.

The Sixth Circuit has stated, "appellees should not be compelled to choose between

the exercise of their Fifth Amendment privilege and the substantial sums of money which are the subject of this forfeiture proceeding. On the other side of the coin, however, the government should not be compelled to abandon the forfeiture action which Congress, by enacting the statute, obviously intended to create. Therefore, the courts must seek to accommodate both the constitutional right against self-incrimination as well as the legislative intent behind the forfeiture provision.” *United States v. U.S. Currency*, 626 F.2d 11, 15 (6th Cir. 1980).

Because the Court finds and the parties agree that Senders’ Motion achieves this accommodation, the Court grants the Motion and authorizes Senders’ to file his claims under seal. The Court further orders, per agreement of the Government, the claim forms may only be used in this civil action and that the Government is precluded from using the claim forms in any criminal prosecution. However, the parties may move to vacate or modify this protective order at a later point in time.

IT IS SO ORDERED.

/s/Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
Senior United States District Judge