

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-11735

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 26, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 02-00111-CR-T-17-MAP

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUNE D. SCHULTZ,

Petitioner-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(March 26, 2009)

Before BLACK and MARCUS, Circuit Judges, and QUIST,* District Judge.

PER CURIAM:

* Honorable Gordon J. Quist, United States District Judge for the Western District of Michigan, sitting by designation.

June Schultz's husband, Gregory G. Schultz, was found guilty of numerous charges of money laundering and fraud-related offenses that occurred between 1996 and 2000. Ultimately, the district court entered a money judgment against Gregory Schultz. The United States then moved for a Preliminary Order of Forfeiture for the substitute asset of Gregory Schultz's one-half interest in real property located at 3175 San Mateo Street in Clearwater, Florida. The district court granted the motion and entered the Preliminary Order of Forfeiture.

Pursuant to 21 U.S.C. § 853(n), June Schultz filed a third-party petition in which she asserted a sole interest in the San Mateo property and, therefore, superior title to Gregory Schultz's one-half interest. June Schultz and the United States then filed cross-motions for summary judgment. The district court denied June Schultz's motion for summary judgment and granted the United States' motion. June Schultz appeals the district court's grant of summary judgment to the United States.

After reviewing the record and the parties' briefs, and having the benefit of oral argument, we affirm the district court's grant of summary judgment to the United States. June Schultz had the burden under 21 U.S.C. § 853(n)(6) to prove by a preponderance of the evidence that her interest in the San Mateo property was

superior to her husband's interest. She failed to meet her burden. Therefore, we affirm the district court.

AFFIRMED.