

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2012

Lyle W. Cayce
Clerk

No. 11-51158
Summary Calendar

UNITED STATES OF AMERICA,

Petitioner - Appellee

v.

ALL RIGHT, TITLE AND INTEREST IN THE REAL PROPERTY AND
APPURTENANCES LOCATED AT 128 CAMINO BARRANCA, EL PASO,
TEXAS, WITH ALL IMPROVEMENTS AND ATTACHMENTS THEREON,
AND ANY AND ALL PROPERTY TRACEABLE T

Respondent

ADRIAN PENA; MELISSA MORENO PENA,

Claimants - Appellants

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:11-CV-229

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for these reasons.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-51158

The bankruptcy proceeding is of no consequence now because the appellants agreed to the sale of the real property and to the holding of the proceeds by the Marshall until resolved by the court.

Appellants failed to answer timely the claim and to answer the forfeiture action by denying all essential allegations. No justification has been made for the late filing. The court's strike of the claims of the appellants was not an abuse of discretion, and the order and judgment were therefore legally correct. The claims of all parties were resolved and the judgment was final.

AFFIRMED.