

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

In Re Matter of Certain Administrative
and Civil Forfeiture Proceedings

Case No.

**Order Extending Certain Statutory Deadlines
for Administrative and Civil Forfeiture Proceedings**

Pursuant to 18 U.S.C. § 983(a)(1)(C) and (a)(3)(A), the United States has moved the Court for a 60-day blanket extension of the statutory deadlines by which the United States is required to (1) provide notice of administrative forfeiture proceedings against seized property and (2) commence civil judicial forfeiture actions following submission of timely administrative claims. Having considered the motion and the applicable law, and for the reasons stated below, the Court finds that the Motion is GRANTED.

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, effective as of March 1, 2020, due to the Novel Coronavirus Disease (“COVID-19”) pandemic;¹ and

WHEREAS due to the COVID-19 pandemic, this Court issued Orders adopting temporary procedures designed to reduce the possibility of exposure to the virus, to slow the spread of the disease, and to safeguard court staff, litigants, and the public from exposure to COVID-19; and

WHEREAS on March 15, 2020, United States Attorney General William Barr implemented a “maximum telework” policy that included all DOJ law enforcement components, allowing federal employees to engage in social distancing to slow the spread of the virus. Similar orders were issued by the Departments of Homeland Security and Treasury, resulting in virtually

¹ On March 29, 2020, the President extended the period of recommended social distancing and non-essential activity through the end of April.

all asset forfeiture personnel working in the headquarters facilities of the federal seizing agencies in and around Washington, D.C. to begin teleworking along with the overwhelming majority of the attorneys and staff at the U.S. Attorney's Office in this district.

WHEREAS, based on the United States' Motion, the Court finds that the working conditions described therein are inconsistent with the social distancing guidelines of the CDC and other health and public safety officials, the Government's own guidelines for workplace safety, and the explicit requirements of mandatory declarations of state and local governments in the Western District of Texas.

Based on the supporting certifications from supervisory officials of the federal seizing agencies attached to the United States' Motion, the Court finds that compliance with the 60- and 90-day statutory deadlines for commencing administrative forfeiture in federal and adoptive seizures is likely to endanger the life or physical safety of the government employees and contractors responsible for carrying out their duties in their respective administrative forfeiture programs as described at 18 U.S.C. § 983(a)(1)(A)(i). The Court finds that this fact justifies the extension of those deadlines pursuant to 18 U.S.C. § 983(a)(1)(C). Specifically, the United States has demonstrated that due to the ongoing national emergency triggered by the pandemic and the resulting need for social distancing and heightened controls on physical contact with objects that may present a risk of contamination, it is not possible for the federal seizing agencies to fulfill their responsibilities for processing thousands of pieces of time-sensitive mail; providing timely, direct written notice to thousands of potential claimants; and making the necessary referrals to the U.S. Attorney's Offices across the country. The Court further finds that the continued operation of the administrative forfeiture programs of the federal seizing agencies, including the provision of notice of administrative forfeiture to potential claimants and the receipt and processing of claims

for referral for the filing of civil forfeiture actions or inclusion of property in criminal indictments, is likely to endanger the lives or physical safety of numerous individuals, and that the requirements under 18 U.S.C. § 983(a)(1)(C) for an extension of administrative forfeiture notice deadlines has been satisfied; and

The Court further finds that the danger to life and physical safety constitutes good cause under 18 U.S.C. § 983(a)(3)(A) for an extension of the deadlines for filing of civil forfeiture actions or inclusion of property in criminal indictments;

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. For all federal seizures of property that occurred, or will occur, in the Western District of Texas between February 3, 2020 and April 30, 2020, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the federal seizing agencies to commence administrative forfeiture proceedings against such property is extended for a period of 60 days pursuant to 18 U.S.C. § 983(a)(1)(C).
2. For all seizures of property by state or local law enforcement agencies in the Western District of Texas that occurred, or will occur, between January 3, 2020 and April 30, 2020, which seizures were or are thereafter adopted by one of the federal seizing agencies, the deadline established by 18 U.S.C. § 983(a)(1)(A)(iv) for the adopting agency to commence administrative forfeiture proceedings against such property is extended for a period of 60 days pursuant to 18 U.S.C. § 983(a)(1)(C).
3. For any property as to which a federal seizing agency executed a 30-day extension of an administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B), and for which the extended deadline is on or after March 31, 2020, the deadline for sending the

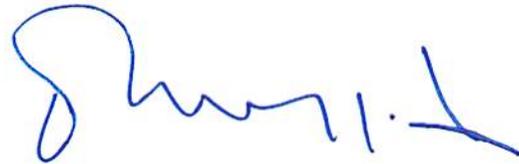
required notice is extended for 60 days from the current deadline pursuant to 18 U.S.C. § 983(a)(1)(C).

4. For any property following a federal seizing agency's receipt of a timely administrative claim between February 3, 2020 and April 30, 2020, and for which venue for a civil forfeiture action is proper in the Western District of Texas, the deadline established by 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint (or inclusion of an asset in a criminal indictment) is hereby extended to 150 days instead of the statutory 90-day period.

In accordance with the provisions of 18 U.S.C. § 983(a)(1)(C), further extensions of no more than 60 days each may be granted, as necessary, upon an appropriate showing.

IT IS SO ORDERED.

DATED: 4-27, 2020



ORLANDO L. GARCIA, CHIEF JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS