

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN RE MATTER OF CERTAIN)
PENDING ADMINISTRATIVE AND) Case No. 20-0005
CIVIL FORFEITURE PROCEEDINGS)

**ORDER EXTENDING CERTAIN STATUTORY DEADLINES FOR
ADMINISTRATIVE AND CIVIL JUDICIAL ASSET
FORFEITURE PROCEEDINGS AND ACTIONS**

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.

On March 13, 2020, President Trump declared a national emergency, effective as of March 1, 2020, due to the Novel Coronavirus Disease (COVID-19) pandemic. On March 17, 2020, this Court issued a General Order “[i]n line with the guidance provided by the President of the United States and the Centers for Disease Control and Prevention,” which established rules “designed to protect public health.” *In re: Court Operations During The Public Health Emergency Caused By The COVID-19 Virus*, General Order (N.D. Ala. Mar. 17, 2020). On April 3, 2020, the Governor of Alabama, Kay Ivey and the Alabama State Health Officer, Scott Harris, issued a stay-at-home order for the State of Alabama, which

is in effect until April 30, 2020. Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, <https://governor.alabama.gov/assets/2020/04/Final-Statewide-Order-4.3.2020.pdf>.

On April 13, 2020, this Court extended its General Order due to the ongoing nature of the COVID-19 public health emergency. *In re: Court Operations During The Public Health Emergency Caused By The COVID-19 Virus*, General Order No. 2020-04 (Apr. 13, 2020).

Based on the United States' motion and the supporting certifications of the supervisory officials of the Drug Enforcement Administration ("DEA"); the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"); the Federal Bureau of Investigation ("FBI"); Customs and Border Protection ("CBP"), which is also responsible for processing seizures by Homeland Security Investigations and U.S. Border Patrol; U.S. Secret Service ("USSS"); and Internal Revenue Service – Criminal Investigation ("IRS-CI"), the Court finds that continued operation of the administrative forfeiture programs of DEA, ATF, FBI, CBP, USSS, and IRS-CI (each an "Agency" and collectively, the "Agencies"), including provision of notice of administrative forfeiture to potential claimants and 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, satisfying the requirements of 18 U.S.C. § 983(a)(1)(C) for

an extension of administrative forfeiture notice deadlines.

The Court further finds that the danger to life and physical safety also 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.

NOW, THEREFORE, THE COURT ORDERS:

1. For all federal seizures of property that occurred in the Northern District of Alabama between February 16, 2020 and April 16, 2020, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the seizing Agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of 60 days, pursuant to 18 U.S.C. § 983(a)(1)(C).

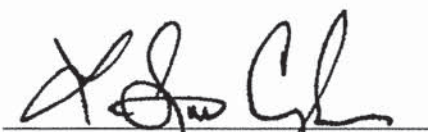
2. For all seizures of property by state or local law enforcement agencies in the Northern District of Alabama that occurred between January 17, 2020 and April 16, 2020, which seizures were or are thereafter adopted by one of the Agencies, the deadline established by 18 U.S.C. § 983(a)(1)(A)(iv) for the adopting Agency to commence administrative forfeiture proceedings against such property shall be, and hereby 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 an Agency executed a 30-day extension of an administrative notice deadline to pursuant to 18 U.S.C. § 983(a)(1)(B) and

for which the extended deadline is on or after April 16, 2020, the deadline for sending the required notice shall be, and hereby is, extended for 60 days from the current deadline, pursuant to 18 U.S.C. § 983(a)(1)(C).

4. For any property as to which an Agency received, or will receive, a timely administrative claim between January 17, 2020 and April 16, 2020, and for which venue for a civil forfeiture action is proper in the Northern District of Alabama, 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 shall be, and hereby is, extended for 60 days from the current deadline, pursuant to 18 U.S.C. § 983(a)(3)(A).

DONE and **ORDERED** on April 24, 2020



L. Scott Coogler
Chief United States District Judge