

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE: UPDATED GUIDANCE TO COURT OPERATIONS  
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY  
COVID-19 AND EXTENDING CERTAIN STATUTORY  
DEADLINES FOR ADMINISTRATIVE AND CIVIL  
JUDICIAL ASSET FORFEITURE PROCEEDINGS AND ACTIONS

**GENERAL ORDER**  
**No. 13**

WHEREAS, the Court has issued a series of General Orders re: Court Operations Under the Exigent Circumstances Created by COVID-19, which are available on the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov);

WHEREAS, the United States has requested that the Court enter an order under 18 U.S.C. § 983, granting a 60-day blanket extension of the statutory deadlines by which the government is required to (1) commence administrative forfeiture proceedings against seized property; and (2) commence civil judicial forfeiture actions following submission of timely administrative claims in such proceedings;

WHEREAS, the President of the United States of America has declared a national emergency in response to COVID-19. The Centers for Disease Control and Prevention ("CDC") and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease. To allow federal employees to engage in social distancing to slow the spread of the virus, on March 15, 2020, U.S. Attorney General William Barr implemented a "maximum telework" policy, which includes all Department of Justice law enforcement components. Similar orders were issued by the Departments of Homeland Security and Treasury. As a result, virtually all asset forfeiture personnel working in the headquarters facilities of the federal agencies in and around Washington, D.C. are teleworking, as are the overwhelming majority of the attorneys and staff at the U.S. Attorney's Office in this district;

WHEREAS, the Governor of the State of Minnesota has declared a peacetime emergency to coordinate Minnesota's strategy to protect Minnesotans from COVID-19 and extended the peacetime emergency through May 13, 2020, and the Governor of the State of Minnesota has issued Emergency Executive Order 20-48, Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and

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5/8/20  
KATE M. FOGARTY

JUDGMENT ENTD  
DEPUTY CLERK

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Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Work Places through May 17, 2020;

WHEREAS, the government agencies with administrative forfeiture authority (collectively, the “Agencies”) include the Drug Enforcement Administration (“DEA”); the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”); Customs and Border Protection (“CBP”), which is also responsible for processing seizures by Immigration and Customs Enforcement/Homeland Security Investigations (“HSI”) and U.S. Border Patrol; the U.S. Secret Service (“USSS”); Internal Revenue Service – Criminal Investigation (“IRS-CI”); and the United States Postal Service (“USPS”). On an annual basis, the Agencies initiate and process tens of thousands of administrative forfeitures. Those efforts generate massive amounts of paperwork, and require regular, close physical interaction among office personnel in each Agency’s headquarters office to prepare notice letters, correction letters, denial letters, the mailing envelopes for all of those letters, and the preparation of notice by publication for each targeted asset on the government’s dedicated forfeiture website ([www.forfeiture.gov](http://www.forfeiture.gov));

WHEREAS, the COVID-19 disease has continued to spread, and it is becoming increasingly difficult, and soon may be impossible, for the Agencies to carry out 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. In addition, Agency employees and contractors physically handle large volumes of mail from the public daily, including hand-written letters, claims, petitions for remission or mitigation, and requests for reconsideration. Although the seizing Agencies are capable of processing claims and petitions submitted electronically, most submissions (approximately 85%) still come through the mail. The submission of timely administrative claims requires the Agencies to refer those matters to the U.S. Attorney’s Offices across the country, and trigger separate deadlines relating to the filing of judicial forfeiture actions in the district courts. The government has also requested a blanket 60-day extension of those 90-day filing deadlines;

WHEREAS, the Court finds that in light of the COVID-19 pandemic, the Agencies compliance with the 60 and 90-day statutory deadlines for commencing administrative forfeiture with respect to federal and adoptive seizures, respectively, is likely to endanger the life or physical safety of the government employees and contractors responsible for carrying out the duties of the Agency administrative forfeiture programs, as described at 18 U.S.C. § 983(a)(1)(A)(i), justifying the extension of those deadlines under 18 U.S.C. § 983(a)(1)(C). 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, constitute good cause for a finding that requiring the noticing of seizures and referral of claims may endanger the life or health of the government asset forfeiture attorneys and staff (at both the Agencies and the U.S. Attorney's Offices) responsible for reviewing cases, issuing notices, and processing submitted claims and petitions. All these factors support an order under § 983(a)(1)(C) and (3)(A), granting the 60-day blanket extensions.

NOW THEREFORE, to continue respond to the challenges presented by the COVID- 19 outbreak, and provide for the effective administration of justice, **IT IS HEREBY ORDERED**, that:

1. For all federal seizures of property that occurred in the District of Minnesota between February 3, 2020, and April 30, 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 is extended for a period of 60 days;
2. For all seizures of property by state or local law enforcement agencies in the District of Minnesota between January 3, 2020, and April 30, 2020, which seizures 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 is extended for a period of 60 days; and
3. The 90-day deadline established at 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) following an Agency's receipt of a timely administrative claim between February 3, 2020, and April 30, 2020, is extended to 150 days instead of the statutory 90-day period. To the extent that any Agency executed a 30-day extension of any administrative notice deadline under 18 U.S.C. § 983(a)(1)(B) on or before March 31, 2020, the deadline to send the required notice is extended for 60 days from the current deadline.

Dated in Minneapolis, Minnesota, May 8, 2020 at 12:00 p.m.



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JOHN R. TUNHEIM  
Chief Judge  
United States District Court