

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

**IN RE MATTER OF CERTAIN
ADMINISTRATIVE AND CIVIL
FORFEITURE PROCEEDINGS**

:
: **STANDING ORDER 2020-06**
:
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**ORDER EXTENDING CERTAIN STATUTORY
DEADLINES FOR ADMINISTRATIVE AND CIVIL JUDICIAL
ASSET FORFEITURE PROCEEDINGS AND ACTIONS**

WHEREAS, pursuant to 18 U.S.C. § 983, the United States has moved the Court for a sixty (60) day blanket extension of the statutory deadlines by which the Government 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;

AND WHEREAS, on March 13, 2020, President Trump declared a national emergency, effective March 1, 2020, due to the Novel Coronavirus Disease (“COVID-19”) pandemic, and extended the period of recommended social distancing and non-essential activity through the end of April on March 20, 2020;

AND WHEREAS, on March 15, 2020, United States Attorney General William Barr implemented a “maximum telework” policy, which includes all DOJ law enforcement components. Similar orders have been issued by the Departments of Homeland Security and Treasury. As a result, virtually all asset forfeiture personnel

working in the headquarters facilities of the Agencies in and around Washington, D.C. are teleworking, as are the overwhelming majority of the attorneys and staff at the United States Attorney's Office in this district;

AND WHEREAS, on March 16, 2020, this Court issued Standing Order 2020-01 recognizing the declarations of a national emergency and the State of Georgia health emergency, and further noting that "the World Health Organization has declared coronavirus a pandemic; and the Center for Disease Control and Prevention 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", and ordering that certain adjustments be made to its normal operations, including, among other things, continuing all jury trials for a period of sixty (60) days;

AND WHEREAS, On March 20, 2020, the Court issued Standing Order 2020-02 amending its first Standing Order 2020-01 cancelling all criminal hearings, unless exceptional circumstances exist, through May 16, 2020;

AND WHEREAS, on April 2 and April 8, 2020, the Governor of Georgia issued Executive Orders requiring all residents and visitors of the State of Georgia to practice social distancing and to shelter in place until at least April 30, 2020;

AND WHEREAS, based on the United States' Motion and Memorandum, along with the supporting certifications of supervisory officials of the Drug Enforcement Administration ("DEA"); the Bureau of Alcohol, Tobacco, Firearms and

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”), (collectively referred to as the “Agencies”), including their 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, satisfying the requirements of 18 U.S.C. § 983(a)(1)(C) for an extension of administrative forfeiture notice deadlines; and

AND WHEREAS, 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;

IT IS HEREBY ORDERED AS FOLLOWS:

1. All federal seizures of property that occurred or will occur in the Middle District of Georgia 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 shall be and hereby is extended for a period of 60 days pursuant to 18 U.S.C. § 983(a)(1)(C);

2. All seizures of property by state or local law enforcement agencies in the Middle District of Georgia 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 shall be and hereby is extended for a period of 60 days pursuant to 18 U.S.C. § 983(a)(1)(C);

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 hereby 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 pursuant to 18 U.S.C. § 983(a)(1)(B) on or before March 31, 2020, the deadline for the sending of the required notice is extended for 60 days from the current deadline.

4. 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.

SO ORDERED, this 30th day of April, 2020.

S/Clay D. Land

CLAY D. LAND, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

PREPARED BY:

CHARLES E. PEELER
UNITED STATES ATTORNEY

/s/ Steven C. Ouzts
STEVEN C. OUZTS
Assistant United States Attorney
Georgia Bar No.: 300632