

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

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

The United States has applied, pursuant to 18 U.S.C. § 983, for an Order 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. Good cause appearing therefor, and for the reasons stated below, the government's application is GRANTED.

On March 13, 2020, President Trump declared a national emergency to impede the spread of the Covid-19 virus and to authorize and encourage public and private measures to limit and control the adverse consequences of the virus. To allow certain federal employees to engage in "social distancing," on March 15, 2020, Attorney General William Barr implemented a "maximum telework" policy, which governs all Department of Justice law enforcement personnel. Both the Department of Homeland Security and the Department of Treasury issued a similar order. As a result, nearly all asset forfeiture personnel in the United States are teleworking. The resulting complications and inefficiencies abound.

The agencies of the United States with administrative forfeiture authority (collectively, the federal seizing agencies) include the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms & Explosives; Customs and Border Protection; Boarder Patrol; Secret Service; Internal Revenue Service; and United States Postal Service. To maintain normal operation, the personnel of

the federal seizing agencies must work in circumstances inconsistent with currently applicable social distancing and other guidelines, compliance with which preserves both personal safety and the national interest.

The federal seizing agencies have satisfactorily certified that under present circumstances compliance with the sixty and ninety-day statutory deadlines for beginning an administrative forfeiture with respect to federal and adoptive seizures endangers employees and contractors responsible for implementing the federal seizing agencies' forfeiture programs, as described at 18 U.S.C. § 983(a)(1)(A)(i).

Under 18 U.S.C. § 983(a)(1)(C) and (3)(A), this circumstance warrants extending the applicable deadlines.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that

(1) for all federal seizures of property that occurred or will occur in the Eastern 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 any seizing Agency to commence administrative forfeiture proceedings against such property shall be and hereby is extended for a period of 60 days;


(2) for all seizures of property by state or local law enforcement agencies in the Eastern District of Texas between January 3, 2020, and April 30, 2020, which seizures are thereafter federally adopted, 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; 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 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.

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.

FOR THE COURT:

SO ORDERED and SIGNED this 6th day of May, 2020.



RODNEY GILSTRAP
CHIEF JUDGE