

Judge McMahon

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

M10-468

----- X  
: **ORDER EXTENDING CERTAIN**  
: **STATUTORY DEADLINES FOR**  
IN RE MATTER OF CERTAIN : **ADMINISTRATIVE AND CIVIL**  
ADMINISTRATIVE AND CIVIL : **JUDICIAL ASSET FORFEITURE**  
FORFEITURE PROCEEDINGS : **PROCEEDINGS AND ACTIONS**  
:   
: 20 MISC. 0194  
:   
----- X

WHEREAS, 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;

WHEREAS, on March 13, 2020, in *In re Coronavirus/COVID-19 Pandemic*, No. 20 Misc. 154 (S.D.N.Y. Mar. 13, 2020), this Court issued a Standing Order “to protect public health” and “to reduce the size of public gatherings and reduce unnecessary travel” in light of the current coronavirus/COVID-19 pandemic, recognizing the declaration of a national emergency, and further noting that “the Governor of New York has banned mass gatherings throughout the state in response to the spread of coronavirus and COVID-19,” and “the Centers 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”;

WHEREAS, on March 27, 2020, in *In re Coronavirus/COVID-19 Pandemic*, No. 20 Misc. 172 (S.D.N.Y. Mar. 27, 2020), this Court issued another Standing Order finding that “the Governor of New York has banned mass gatherings in the state, encouraged persons in the state to remain home, and ordered the closure of non-essential businesses in response to the spread of COVID-19” and that “the current public health crisis has caused, is causing, and is expected to continue to cause

extraordinary disruption throughout this District, including, but not limited to the temporary closure of offices; the imposition of travel restrictions and discouragement of the use of mass transportation; the dislocation of many residents; and disruptions and delays in the use of the mails”;

WHEREAS, on April 1, 2020, in *In re Coronavirus/COVID-19 Pandemic*, No. 20 Misc. 179 (S.D.N.Y. Apr. 1, 2020), this Court issued another Standing Order authorizing acceptance of pro se filings via email, and “strongly encourag[ing]” pro se parties with an email address to “consent to receiving electronic service of case activity through notifications sent by email”;

WHEREAS, based on the United States’ motion and the supporting certifications of 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, IRS-CI, as well as the United States Postal Inspection Service (“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

WHEREAS, 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, IT IS HEREBY ORDERED AS FOLLOWS:

1. For all federal seizures of property that occurred in the Southern District of New York between February 7, 2020, and April 7, 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 Southern District of New York that occurred between January 7, 2020, and April 7, 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 pursuant to 18 U.S.C. § 983(a)(1)(B) and for which the extended deadline is on or after April 7, 2020, the deadline for the sending of 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).

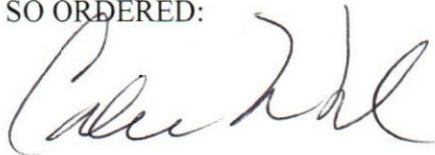
4. For any property as to which an Agency received, or will receive, a timely administrative claim between January 7, 2020, and April 7, 2020, and for which venue for a civil forfeiture action is proper in the Southern District of New York, the deadline established by 18 U.S.C. § 983(a)(3)(A) for the 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).

Dated: New York, New York  
April 8, 2020

SO ORDERED:



HONORABLE COLLEEN MCMAHON  
DISTRICT COURT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

Addendum:

The Court notes that it, too, is receiving a volume of mail, principally from pro se litigants, on a daily basis and that, while most court employees are teleworking most days, we are bringing in staff to deal with that mail, because we cannot deny pro se litigants who have no ability to file papers electronically (including prisoners) access to the courts. While I am signing this order, I suggest that the Department of Justice might start thinking about funding ways to deal with its mail notwithstanding the current emergency.