

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER 20-36
OCTOBER 9, 2020

IN RE: CORONAVIRUS PUBLIC EMERGENCY

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

SAYLOR, C.J.

This order supplements General Order 20-25, issued June 9, 2020, as follows:

In light of the ongoing health public health emergency, on June 9, 2020, this Court issued General Order 20-25, which granted a 60 day “blanket” extension of the statutory deadlines within which (1) certain agencies of the United States must begin an administrative forfeiture against seized property and (2) the United States must begin a civil judicial forfeiture action after the timely submission of an administrative claim.

Based on the continuing nature of the public health emergency, the United States has applied for a second extension, *nunc pro tunc*, from August 8, 2020, with respect to a narrowed group of requesting agencies, specifically, the United States has requested to include only the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms & Explosives (collectively, the Federal Seizing Agencies).

To maintain normal operation, the Federal Seizing Agencies have reported that their personnel 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 again certified that under present circumstances compliance with the 60 and 90-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 HEREBY ORDERED THAT, for all property seized by the Federal Seizing Agencies between April 9, 2020 (60 days prior to entry of General Order 20-25), and the date of this Order, for which a judicial forfeiture could be brought in the District of Massachusetts, the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the Federal Seizing Agencies to begin administrative forfeiture proceedings against that seized property is **EXTENDED** for 60 days;

IT IS FURTHER ORDERED THAT, for all seizures, if later federally adopted, of property by state or local law enforcement agencies in the District of Massachusetts between March 10, 2020 (90 days prior to entry of General Order 20-25), and the date of this Order, the deadline under 18 U.S.C. § 983(a)(1)(A)(iv) for the Federal Seizing Agencies that adopted the forfeiture to begin administrative forfeiture proceedings against that seized property is **EXTENDED** for 60 days;

IT IS FURTHER ORDERED THAT, the 90 day deadline established under 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 a Federal Seizing Agencies' receipt of a timely administrative claim between March 10, 2020 (90 days prior to entry of General Order 20-25), and the date of this Order, is **EXTENDED** to 150 days instead of the statutory 90 days;

IT IS FURTHER ORDERED THAT, to the extent that the Federal Seizing Agencies executed a 30 day extension of any administrative notice deadline under 18 U.S.C.

§ 983(a)(1)(B) on or before the date of this Order, the deadline for sending the required notice is **EXTENDED** for 60 days beyond the current deadline;

IT IS FURTHER ORDERED THAT, for all property seized by the Federal Seizing Agencies for which a judicial forfeiture could be brought in the District of Massachusetts, and for which the deadline established by 18 U.S.C. § 983(a)(2)(B) for claimants to submit a claim is between March 13, 2020, and the date of this order, claims received by the Federal Seizing Agencies on or before 60 days after entry of this Order, shall not be denied by the Federal Seizing Agencies as untimely.

IT IS FURTHER ORDERED THAT, any motion by a claimant seeking an exception to this order shall be referred to the Miscellaneous Business Docket Judge for the District of Massachusetts.

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court

Dated: October 9, 2020