

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Philip A. Brimmer**

Case No. 20-mc-00064-PAB

IN RE MATTER OF CERTAIN ADMINISTRATIVE AND CIVIL FORFEITURE  
PROCEEDINGS

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**ORDER EXTENDING CERTAIN STATUTORY DEADLINES FOR NOTICE OF  
ADMINISTRATIVE ASSET FORFEITURE PROCEEDINGS AND ACTION**

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This matter comes before the Court on the United States' Motion for Blanket Extension of Deadline for Sending Notice in Certain Pending Administrative Forfeiture Proceedings [Docket No. 1], wherein the government moves this Court for an extension of time for all federal seizing agencies in this district to commence administrative forfeiture proceedings due to the COVID-19 pandemic. The Court makes the following findings and orders as follows.

**FINDINGS:**

1. 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 provide notice of administrative forfeiture proceedings against seized property.

2. The President of the United States has declared a state of emergency in response to the spread of COVID-19 (coronavirus).

3. The Governor of the State of Colorado has declared a state of emergency in response to the spread of COVID-19 and has issued a state-wide “Stay at Home” order through April 26, 2020.

4. The Mayor of Washington D.C. has issued a “Stay at Home” order through May 15, 2020.

5. The Centers for Disease Control and Prevention have advised taking measures to slow the spread of COVID-19 and precautions to reduce the possibility of exposure to the virus.

6. On March 15, 2020, to allow federal employees to engage in social distancing to slow the spread of COVID-19, 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 these agencies in and around Washington, D.C. are teleworking, as are the large majority of the attorneys and staff at the U.S. Attorney’s Office in this district.

7. On March 27, 2020, the Court issued General Order No. 2020-3, as extended by General Order 2020-6, authorizing acceptance of filings from unrepresented parties via email, and closing the Clerk’s Office and Probation Offices to public entry.

8. 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; the

U.S. Secret Service (“USSS”); and Internal Revenue Service – criminal Investigation (“IRS-CI”), the Court finds that the 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”), which includes sending notice within the statutory time-frame prescribed by 18 U.S.C. § 983(a)(1)(A), is likely to endanger the lives or physical safety of numerous individuals given the COVID-19 pandemic.

9. The Court finds that the danger to life and physical safety constitutes good cause under 18 U.S.C. § 983(a)(1)(C) for an extension of the deadlines to send notice of administrative forfeiture.

WHEREFORE, IT IS

ORDERED that, for all federal seizures of property that occurred in the District of Colorado between February 20, 2020 and April 20, 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 pursuant to 18 U.S.C. § 983(a)(1)(C). It is further

ORDERED that, for all seizures of property by state and local law enforcement agencies that occurred in the District of Colorado between January 20, 2020 and April 20, 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 is extended for a period of 60 days pursuant to 18 U.S.C. § 983(a)(1)(C). It is further

ORDERED that, for any property as to which an Agency executed a 30-day extension of any administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B) and for which the extended deadline is on or after April 20, 2020, the deadline for the

sending of the required notice is extended for 60 days from the current deadline pursuant to 18 U.S.C. § 983(a)(1)(C).

DATED April 23, 2020.

BY THE COURT:



PHILIP A. BRIMMER  
Chief United States District Judge