

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In Re: Coronavirus (COVID-19) Public Emergency	Misc. No. 20-088 (GAG)
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**ORDER EXTENDING CERTAIN STATUTORY
DEADLINES FOR ADMINISTRATIVE AND CIVIL
JUDICIAL ASSET FORFEITURE PROCEEDINGS AND ACTIONS**

WHEREAS, the United States has applied, pursuant to 18 U.S.C. § 983, for a 60-day blanket extension of the statutory deadlines by which the government is required to: (1) provide notice of administrative forfeiture proceedings against property seized or processed in the District of Puerto Rico; and (2) commence civil judicial forfeiture actions following submission of timely administrative claims in such proceedings:

WHEREAS, On March 13, 2020, President Trump declared a national emergency, effective as of March 1, 2020, due to the Novel Coronavirus Disease (COVID-19) pandemic.¹

WHEREAS, this Court has repeatedly recognized the severity of the pandemic and the importance of mitigation efforts in numerous standing orders. *See Orders in In Re: Coronavirus (COVID-19) Public Emergency*, Misc. No. 20-00088 (GAG).

¹ On March 29, 2020, the President extended the period of recommended social distancing and avoidance of non-essential activity through the end of April.

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WHEREAS, the Governor of the Commonwealth of Puerto Rico has issued orders declaring a state of emergency due to Novel Coronavirus (COVID-19), and establishing a general population lockdown, extending through May 3, 2020. *See*, EO-2020-20, EO-2020-23, EO-2020-33 to prevent further spreading of the virus.

WHEREAS, on March 15, 2020, U.S. Attorney General William Barr implemented a “maximum telework” policy to allow federal employees and contractors to engage in social distancing to slow the spread of the virus, 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 DOJ and Treasury seizing agencies in the Washington, DC area are teleworking;

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

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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, ADJUDGED AND DECREED AS FOLLOWS:

1. For all federal seizures of property that occurred or will be processed in the District of Puerto Rico between February 20, 2020, and April 20, 2020, the deadline established by 18 § 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);
2. For all property seized or processed by state or local law enforcement agencies in the District of Puerto Rico 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);
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 20, 2020, the deadline

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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);

4. For any property as to which an Agency received, or will receive, a timely administrative claim between January 20 and April 20, 2020, the 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), is hereby extended by 60 days (150 days instead of the statutory 90-day period), pursuant to 18 U.S.C. § 983(a)(3)(A).

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.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 21st day of April, 2020.



Gustavo A. Gelpí
Chief, U.S. District Judge