

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:23-cr-88-SPC-KCD

DIOP MCKENZIE

ORDER OF FORFEITURE

Before the Court is the United States' Motion for an Order of Forfeiture. (Doc. 75). Now that the Defendant Diop McKenzie has been adjudicated guilty, the Government seeks an order of forfeiture in the amount of **\$117,832**, which represents the amount McKenzie obtained as a result of the bank and wire fraud offenses charged in Counts One and Four of the Indictment, in violation of 18 U.S.C. §§ 1343 and 1344. See 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2)(A), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(2). In so moving, the Government has connected the **\$117,832** to the adjudicated offenses.

Accordingly, it is

ORDERED:

The United States' Motion for Order of Forfeiture (Doc. 75) is **GRANTED**. This Order shall be a final order of forfeiture as to the Defendant Diop McKenzie.

The proceeds of the offense were transferred to third parties, and the United States cannot locate the proceeds upon the exercise of due diligence.

Accordingly, under 21 U.S.C. § 853(p), the United States may seek, as a substitute asset in satisfaction of this judgment, forfeiture of any of the defendant's property up to the \$117,832 order of forfeiture. The United States may also conduct discovery (including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas), pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, to help identify, locate, and forfeit substitute assets. The court retains jurisdiction to enter any order necessary to the forfeiture and disposition of any substitute asset.

DONE and ORDERED in Fort Myers, Florida, on August 5, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record