UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

IN RE: SEIZURE OF:

ONE (1) 2006 SEA RAY 480 SUNDANCER VESSEL
WITH INVENTORY (HIN: SERP6877C606)
(VESSEL REG. NO. FL1268NG)
_____ /

UNITED STATES' UNOPPOSED MOTION TO EXTEND TIME IN WHICH TO FILE A CIVIL FORFEITURE COMPLAINT *IN REM*

THE UNITED STATES OF AMERICA (hereinafter, the "United States" or the "Government") through its undersigned Assistant United States Attorney files this Unopposed Motion to Extend the Time in which to File a Civil Forfeiture Complaint *in Rem* and in support of its motion says the following:

1. On October 18, 2017, the Department of Homeland Security, Homeland Security Investigations ("HSI") seized, pursuant to 8 U.S.C. § 1324(b), the following: One (1) 2006 Sea Ray 480 Sundancer Vessel with Inventory (HIN: SERP6877C606)(Vessel Reg. No. FL1268NG)(hereinafter, the "Vessel").

2. The Fines, Penalties and Forfeiture ("FP&F"), U.S. Customs and Border Protection, assigned FP&F Case No. 2018-5201-000015-01 to the Vessel, initiated non-judicial civil forfeiture proceedings, published and sent direct written notices of the seizure and forfeiture to potential claimants in accordance with 18 U.S.C. § 983(a)(1)(A).

3. On or about December 22, 2017, Claimant Samuel D. Dalembert, through counsel, filed a claim to the Vessel with FP&F, which FP&F denied.

4. On or about March 28, 2019, Claimant Samuel D. Dalembert, through counsel,

filed a supplemental claim to the Vessel with FP&F, which FP&F denied.

5. On or about August 14, 2019, Claimant Samuel D. Dalembert, through counsel, requested that FP&F refer his claim to the Vessel to the U.S. Attorney's Office for the Southern District of Florida for consideration.

6. The time has expired for any person to file a claim to the Vessel under 18 U.S.C. § 983(a)(2)(A)-(E). No other person has filed a claim to the Vessel as required by law in the non-judicial civil forfeiture proceeding.

7. On or about September 9, 2019, Claimant Samuel D. Dalembert, through counsel, filed a civil Complaint [ECF No. 1] in the Southern District of Florida in the matter of *Samuel Dalembert vs. United States of America*, 19-CV-62250-Bloom (hereinafter, the "Civil Action"), in which he seeks release of the Vessel to his custody.

8. Pursuant to 18 U.S.C. § 983(a)(3)(A), the government is required to file a civil forfeiture complaint *in rem* no later than ninety (90) days after a claim has been filed or if no complaint is filed, to release the property. The statute also provides that the Court may extend the time for good cause shown or by agreement of the parties.[1]

9. The deadline for filing a civil forfeiture complaint *in rem* in this matter is currently no later than November 12, 2019.

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[1]18 USC 983(a)(3)(A) reads:

> Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the matter set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown *or upon agreement of the parties*. (emphasis added).

10. On November 12, 2019, the Government and the Claimant Samuel D. Dalembert's counsel, Rachel Mech, Esquire, agreed by telephone that a one (1)-week extension of time in which the Government may file a civil forfeiture complaint *in rem* in this matter is beneficial to the parties as it permits them additional time in which to discuss resolution of the matter without the need for judicial action.

11. Therefore, pursuant to 18 U.S.C. § 983(a)(3)(A), upon agreement of the parties, the United States respectfully requests an extension of time in which the Government may file a civil forfeiture complaint *in rem* in this matter to no later than November 20, 2019.

WHEREFORE, for the foregoing reason, the United States requests that the Court enter its proposed order extending the time in which the Government may file a civil forfeiture complaint *in rem* in this matter to no later than November 20, 2019.

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

By: *s/Daren Grove*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed on November 13, 2019, to the following:

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s/Daren Grove

Daren Grove
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