

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 4:21-cr-36-AW-MAF-1

JOE NICOLAS CATALA,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

The government's motion for a preliminary order of forfeiture (ECF No. 84) is GRANTED.

Defendant has pleaded guilty to conspiracy to commit bank and wire fraud, bank fraud, theft of mail, passing and uttering a treasury check bearing a false and forged endorsement, and aggravated identity theft. ECF No. 71. The indictment included a forfeiture provision. ECF No. 1 at 17-19. I now find, based on evidence already in the record, that the following property is subject to forfeiture under 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 982(a)(2), and that the government has established the requisite nexus between this property and the offenses.

- A. iPhone 7 (S/N: F72C38G6HG6W);
- B. an Xbox One gaming system;
- C. a Verizon Motorola cell phone;
- D. a bag of credit cards;
- E. \$1,800 in U.S. currency; and

F. a Samsung smartphone.

It is now ordered, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(1), and 982(a)(2) and 28 U.S.C. § 2461(c); and Federal Rule of Criminal Procedure 32.2(b), that Defendant's interest in the assets identified above is forfeited to the United States for disposition according to law.

The United States is authorized to seize the assets above, whether held by Defendant or a third party, and to conduct any discovery proper in identifying, locating, or disposing of the property, in accordance with Rule 32.2(b)(3).

The United States is authorized to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this order.

The United States must cause to be published at least once, notice of this order, notice of its intent to dispose of the property in such manner as the Attorney General (or a designee) may direct, and notice that any person, other than Defendant, having or claiming a legal interest in the property must file a petition with the court within 30 days of the final publication of the notice, or within 60 days of the first date of publication on an official internet government forfeiture site at www.forfeiture.gov. The United States must also, to the extent practicable, provide written notice to any person known to have an alleged interest in the property.

Any person (other than Defendant) asserting a legal interest in the property may, within 30 days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of his asserted interest in the property, and for an amendment of the forfeiture order.

Pursuant to Rule 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant at the time of sentencing, or before sentencing if Defendant consents, and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Rule 32.2(c)(2).

Any third-party petition asserting an interest in the property shall be signed by petitioner under penalty of perjury. It shall also set forth the nature and extent of the petitioner's right, title, or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the subject property; and any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Rule 32.2(c), and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the subject property following the court's disposition of all third-party interests, or, if none, following the expiration of the period provided by 21 U.S.C. § 853(n)(2) for the filing of third-party petitions. The court will retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Rule 32.2(e).

SO ORDERED on January 3, 2022.

s/ Allen Winsor
United States District Judge