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U. S. COURTS

OCT 25 2004

REC'D _____ FILED _____
CAMERON S. BURKE
CLERK IDAHO



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN DELGADO-DELGADO,

Defendant.

Cr. No. 04-046-S-EJL

PRELIMINARY
ORDER FOR FORFEITURE

This matter having come before the Court upon Plaintiff's Motion for Preliminary Order of Forfeiture, and based upon the record and filings herein, the Court makes the following findings and order:

A Plea Agreement was entered into between Juan Delgado-Delgado and the United States of America on July 6, 2004, by which the defendant pled guilty to violations of 18 U.S.C. §§ 922(g)(3). Said Plea provides for forfeiture of any and all interests the defendant possessed in the following property pursuant to 18 U.S.C. § 924(d) and made applicable pursuant to 28 U.S.C. § 2461(c):

Firearms and Ammunition to include:

1. Chinese semi-automatic SKS 7.62 mm rifle, s/n 20049788, with a 30-round detachable magazine, an after market muzzle flash suppressor, a ram line pistol grip stock and a bayonet;
2. 1929 "Mauser style" Spanish-made 7 mm bolt-action rifle, s/n U7711; and
3. Savage Arms bolt-action .22 rifle with the serial number filed off.

Based on the file herein, including the Plea Agreement, and the factual basis set out therein, for

1 the reasons stated at bar, and pursuant to the Plaintiff's Motion for Preliminary Order of Forfeiture:

2 THE COURT FINDS that the above-described property was property which was involved in a
3 violation of 18 U.S.C. § 922(g)(3).

4 Upon entry of this Order, the United States Attorney General (or a designee); is authorized to
5 seize the above-listed property, and to conduct any discovery proper in identifying, locating or disposing
6 of the property subject to forfeiture, in accordance with Fed R. Crim P. 32.2(b)(3).

7 Upon entry of this Order, the United States Attorney General (or a designee); is authorized to
8 commence any applicable proceeding to comply with statutes governing third party rights, including
9 giving notice of this Order.

10 The United States shall publish a one-time notice of the order and its intent to dispose of the
11 property in such a manner as the United States Attorney General (or a designee) may direct. The United
12 States may also, to the extent practicable, provide written notice to any person known to have an alleged
13 interest in the Subject Property.

14 Any person, other than the above-named defendant, asserting a legal interest in the Subject
15 Property may, within thirty days of the publication of notice or receipt of notice, whichever is earlier,
16 petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the
17 Subject Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6).

18 Any petition filed by a third party asserting an interest in the Subject Property shall be signed
19 by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right,
20 title, or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the
21 right, title or interest in the Subject Property, any additional facts supporting the petitioner's claim and
22 the relief sought.

23 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a
24 hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil
25 Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

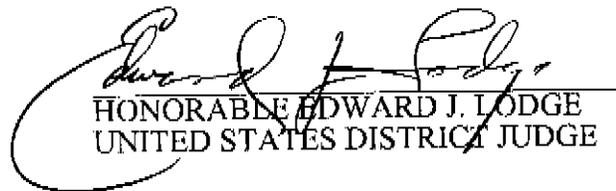
26 The United States shall have clear title to the Subject Property following the Court's disposition
27 of all third-party interests, or, if none, following the expiration of the period provided in pursuant to 21

1 U.S.C. § 853(n)(2), for the filing of third party petitions.

2 This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant
3 to Fed. R. Crim. P. 32.2(e).

4 The Clerk of the Court shall forward a certified copy of this Order to Assistant U.S. Attorney
5 Anthony G. Hall, U.S. Attorney's Office, MK Plaza, Plaza IV, 800 Park Blvd., Suite 600, Boise, ID
6 83712.

7 DATED this 25th day of October, 2004.

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11 HONORABLE EDWARD J. LODGE
12 UNITED STATES DISTRICT JUDGE
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United States District Court
for the
District of Idaho
October 26, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cr-00046

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Lynne W Lamprecht, Esq. 1-208-334-1413
US ATTORNEY'S OFFICE
Box 32
Boise, ID 83707

Doreen C Guenther, Esq.
GORDON LAW OFFICES
623 W Hays
Boise, ID 83702-5512

U.S. Marshal
HAND DELIVERED

*Certified copy of order
to Anthony Hall 2/7*

Probation
HAND DELIVERED

- Chief Judge B. Lynn Winmill
- Judge Edward J. Lodge
- Chief Magistrate Judge Larry M. Boyle
- Magistrate Judge Mikel H. Williams

Visiting Judges:

- Judge David O. Carter
- Judge John C. Coughenour
- Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 10-26-04

BY: *[Signature]*
(Deputy Clerk)