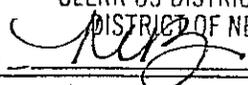


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DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In the Matter of Publication in a Newspaper of ) GENERAL ORDER NO. 2009 - 01  
 General Circulation for three consecutive weeks )  
 in criminal ancillary proceedings )  
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Currently, the United States Attorney's Office for the District of Nevada ("USAO") serves all potential petitioners for criminal ancillary proceedings personally, by United States first class mail and certified return receipt requested first class mail, or by commercial services or overnight mail where the United States can obtain addresses. The United States also personally serves out-of-state potential claimants by overnight mail or other commercial services. The USAO uses numerous sources of information to attempt to locate potential petitioners. The USAO also publishes the ancillary petition notices for three consecutive weeks in a newspaper of general circulation, the Las Vegas Review Journal/Sun, and if necessary, another newspaper as appropriately designated under the circumstances of the case, for criminal ancillary proceedings for any other potential person or entity that may have an interest. 19 U.S.C. § 1607(a); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) ("An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.") (citations omitted). "Since *Mullane* was decided, [the United States Supreme Court has] regularly turned to that case when confronted with questions regarding the adequacy of the method used to give notice." *Dusenbery v. United States*, 534 U.S. 161, 168 (2002) (citations omitted). In *Dusenbery*, the Supreme Court addressed whether providing the notice by certified return receipt requested first class

1 mail to the potential claimant in prison concerning an administrative forfeiture met the *Mullane*  
2 standard of service of process. *Id.* at 163-64. The United States Supreme Court held that mailing the  
3 notice by certified return receipt requested first class mail to the potential claimant in prison met the  
4 *Mullane* standard. *Id.* at 172-73.

5 Rule G of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture  
6 Actions ("Fed. R. Civ. P. Supp. Rule G") became effective on December 1, 2006, and changed the  
7 requirements for giving notice of civil forfeiture in rem actions. Fed. R. Civ. P. Supp. Rule G(4)  
8 allows the United States to publish notices in civil cases by posting them on the government internet  
9 website, [www.forfeiture.gov](http://www.forfeiture.gov). Rule G does not apply to criminal ancillary proceedings.

10 The United States Department of Justice ("Department") indicated that its components are  
11 to publish the notice of ancillary proceedings in criminal cases on the government internet website,  
12 citing to Fed. R. Civ. P. Supp. Rule G, which addresses civil in rem forfeiture actions not criminal  
13 ancillary proceedings. The Department has recognized, however, that if this Court issues an order  
14 indicating that publication on the government internet website is unacceptable in criminal ancillary  
15 proceedings until that method of notice is authorized by rule or statute, the Department and its  
16 components will continue to use traditional methods of service for criminal ancillary proceedings until  
17 internet notice is approved by Congress.

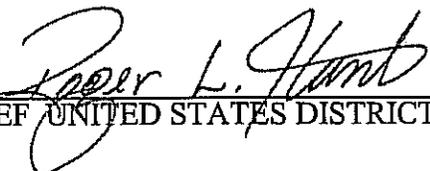
18 The Department has started the process to obtain authority and approval to publish on the  
19 internet for criminal ancillary proceedings in criminal cases. Currently, the Department anticipates  
20 that December 2009 will be the soonest to expect authorization on this issue.

21 The Department has instructed the United States Attorney's Offices throughout the United  
22 States to meet with their respective United States District Court Judges and discuss the service issue.  
23 Based on the cases cited above, and to avoid potential issues,

24 IT IS HEREBY ORDERED that service of process of notices for criminal ancillary  
25 proceedings will continue in the traditional way as mentioned above, including publication for three  
26 consecutive weeks in a newspaper of general circulation until Congress approves replacing newspaper  
publication with internet publication on the government internet website, [www.forfeiture.gov](http://www.forfeiture.gov).

1 IT IS FURTHER ORDERED that service of process by publication of notices for criminal  
2 ancillary proceedings on the government internet website, www.forfeiture.gov, will not be considered  
3 service of process until Congress approves replacing newspaper publication with internet publication  
4 on the government internet website, www.forfeiture.gov.

5 Dated this 22<sup>nd</sup> day of April, 2009.  
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10 CHIEF UNITED STATES DISTRICT JUDGE  
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