

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) CRIMINAL NO. 23-CR-00138-TFM
)
JAMES PETTWAY)

FINAL ORDER OF FORFEITURE

This cause now comes before the Court upon the United States' motion for a Final Order of Forfeiture for the following property:

**One CANIK Model TP9 Elite 9mm pistol, serial number T6472-20CB26436; and
Six rounds of Tulammo 9mm Luger ammunition.**

The Court hereby finds that the motion is due to be **GRANTED**, for the reasons set forth therein and as set out below:

On January 9, 2024, the United States filed a motion for preliminary order of forfeiture for the property identified above. (Doc. 53, PageID.527-530). In that motion, the United States established the defendant's interest in the property and the nexus between the property and the defendant's conviction for Count One of the Superseding Indictment. On January 10, 2024, pursuant to 18 U.S.C. § 924(d), 28 U.S. C. § 2461(c) and *Fed. R. Crim. P.* 32.2(b), the Court entered a preliminary order of forfeiture for the property identified above. (Doc. 55, PageID.535-537)

In accordance with the provisions of 21 U.S.C. § 853(n) and *Fed. R. Crim. P.* 32.2(b)(6), the United States published notice of the forfeiture, and of its intent to dispose of the property identified above, on the official government website, www.forfeiture.gov, beginning on January 13, 2024, and ending on February 11, 2024. (Doc. 66, PageID.599-

603). The publication gave notice to all third parties with a legal interest in the property to file with the Clerk of the Court, 155 St. Joseph Street, Mobile, AL 36602, and a copy served upon Assistant United States Attorney Gina S. Vann, 63 South Royal Street, Suite 600, Mobile, AL 36602, a petition to adjudicate their interest within 60 days of the first date of publication. No third-party filed a petition or claimed an interest in the property, and the time for filing any such petition has expired.

Further, pursuant to *Fed. R. Crim. P. 32.2(b)(4)(A)*, forfeiture of the property identified on page one became final as to the defendant, James Pettway, at the time of sentencing and was made a part of the sentence and included in the judgment. (Doc. 61, PageID.577)

Thus, the United States has met all statutory requirements for the forfeiture of the property identified on page one, and it is appropriate for the Court to enter a final order of forfeiture.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is hereby **ORDERED, ADJUDGED and DECREED** that for good cause shown, the United States' motion is **GRANTED**. Under 18 U.S.C. § 924(d), 28 U.S. C. § 2461(c) and *Fed. R. Crim. P. 32.2*, all right, title, and interest in the property identified on page one is **CONDEMNED, FORFEITED and VESTED** in the United States for disposition according to law; and,

IT IS FURTHER ORDERED that the Bureau of Alcohol, Tobacco, Firearms and Explosives or other duly authorized federal agency take the property identified on page one into its secure custody and control for disposition according to law; and,

IT IS FURTHER ORDERED that pursuant to 21U.S.C. § 853(n)(7), the United States of America has clear title to the property identified on page one and may warrant good title to any subsequent purchaser or transferee; and,

IT IS FURTHER ORDERED that the Bureau of Alcohol, Tobacco, Firearms and Explosives or other duly authorized federal agency is hereby authorized to dispose of the property identified on page one in accordance with the law; and,

IT IS FURTHER ORDERED that the Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DONE AND ORDERED this 26th day of March 2024.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE