

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA

v.

DAVID GIBSON

Defendant

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CASE NO. 4:22-CR-32 (CDL)

FINAL ORDER OF FORFEITURE

On April 25, 2023, pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), 18 U.S.C. ' 3554, and Federal Rule of Criminal Procedure 32.2(b), this Court entered a Preliminary Order of Forfeiture against Defendant David Gibson. The property subject to forfeiture included, but was not limited to the following:

FIREARMS

- A. one (1) Taurus, Model: "The Judge", .45 Long colt/ .410 caliber revolver, Serial Number: L0418756;
- B. one (1) SCCY, Model: CPX-2, 9mm pistol, Serial Number: 421375;
- C. one (1) Walther, Model: P22 Q, .22 caliber pistol, Serial Number: WA101077;
- D. one (1) Norinco, Model: SKS, 7.62x39mm semi-automatic rifle, Serial Number: 1611308;
- E. one (1) Iver Johnson, .22 caliber Winchester Magnum rifle, Serial Number: 001298;

- F. one (1) Ruger, Model: 10/22 RB, .22 caliber rifle, Serial Number: 232-80758;
- G. one (1) Savage, Model: Axis, .22-250 caliber rifle, Serial Number: K387987;
- H. one (1) Winchester, Model: 94, 30-30 caliber rifle, Serial Number: 4989926;
- I. one (1) Rossi, SA .410 shotgun, Serial Number: SP937473;
- J. one (1) Winchester, Model: 43, .22 caliber rifle, Serial Number: 20426A;
- K. one (1) Ruger, Model: 10/22, .22 caliber rifle, Serial Number: 0002-26284;
- L. one (1) New England Firearms, Model: Sportster, .17 HMR rifle, Serial Number: NU295541;
- M. one (1) Browning, Model: Maxus, 12 gauge shotgun, Serial Number: 115ZY04039;
- N. one (1) Remington, Model: 6 rifle with no serial number;
- O. one (1) Winchester, Model: 67, .22 caliber short rifle with no serial number;
- P. one (1) Winchester, Model: 02, .22 caliber short rifle with no serial number;
- Q. one (1) Remington, Model: 1100 LT20, 20 gauge shotgun, Serial Number: P212555K;
- R. one (1) Western Arms Co., Model: SB100B, .410 caliber shotgun, Serial Number: A927342;
- S. one (1) NR Davis and Sons, Model: Diana, 12 gauge shotgun, Serial Number: B1209;
- T. one (1) Gustav Genschow and Co., .22 caliber rifle, Serial Number: 13780;

- U. one (1) American Gun Company, 12 gauge shotgun, Serial Number: 340408;
- V. one (1) Heritage, Model: Rough Rider, .22 caliber revolver, Serial Number: W00766;
- W. one (1) Ruger, Model: P90, .45 caliber pistol, Serial Number: 661-10171;
- X. one (1) Walther, Model: P22 Q, .22 caliber pistol, Serial Number: N056244;
- Y. one (1) Remington, Model: 11-48 shotgun, Serial Number: 4007387; and
- Z. one (1) Iver Johnson magnum shotgun, Serial Number: 002252.

Pending now before the Court is the United States Motion and Memorandum for Final Order of Forfeiture.

The Court hereby makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. This Court has jurisdiction of this matter pursuant to 18 U.S.C. ' 3231, and venue is proper pursuant to 18 U.S.C. '3232 and FED. R. CRIM. P. 18.
2. The United States has furnished due and legal notice of these proceedings as required by law by sending direct notice to any person, other than the Defendant, that may have or claim a legal interest in the subject property, and by causing publication of notice of forfeiture and the intent of the United States to dispose of the property in accordance with the law.
3. The notice of forfeiture provided that any persons or entities having or claiming a legal right, title or interest in the property, within thirty (30) days of receipt of

the notice, or no later than sixty (60) days from the first day of publication on the official internet government forfeiture website, www.forfeiture.gov, whichever is earlier, must petition the United States District Court for the Middle District of Georgia for a hearing to adjudicate the validity of his or her alleged interest in the property pursuant to 21 U.S.C. '853(n), as incorporated by as incorporated by 28 U.S.C. § 2461(c), through 18 U.S.C. § 924(d)(1).

4. On June 1, 2023, *Pro Se* Third-Party Petitioner, Melanie Gibson ("Petitioner"), filed a timely Claim Form asserting her interest in the firearms listed in the preliminary forfeiture order lettered as A, B, C, F, G, I, M, O, P, Q, U, V, W, X, and Z.

5. Petitioner did not assert an interest in the firearms listed in the preliminary forfeiture order lettered as D, E, H, J, K, L, N, R, S, T, and Y.

6. On April 8, 2024, the United States filed a Stipulated Settlement Agreement and Release of Claims entered into between the government and Petitioner to compromise and settle any interest in the claimed firearms and a Motion for Entry of Consent Order. On April 9, 2024, the Court entered a Consent Order, in which the United States agreed to release the firearms claimed by the Petitioner in the preliminary forfeiture order lettered as B, C, G, I, M, O, P, U, V, W, X, and Z.

7. The United States did not agree to release the firearms claimed by the Petitioner lettered in the preliminary order of forfeiture as A, F, and Q.

8. Further, the Consent Order provided that the United States may reserve its right to void the Stipulated Settlement Agreement if, before transfer and release of the aforementioned firearms, the United States Attorney obtains new information indicating the Petitioner is prohibited from possessing firearms.

9. No other persons or entities filed third-party petitions asserting claims or interests in the property subject to forfeiture, and/or release to Petitioner, and the time for filing such petitions has now expired.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The United States Department of Justice, Federal Bureau of Investigation, shall coordinate the release of the following firearms to *Pro Se* Third-Party Petitioner, Melanie Gibson, 3045 Gibson Road, Talbotton, Georgia, 31827, in full and final satisfaction of any and all claims which Petitioner may have or hereinafter have, to wit:

FIREARMS AS LETTERED IN THE PRELIMINARY ORDER OF FORFEITURE

- B. one (1) SCCY, Model: CPX-2, 9mm pistol, Serial Number: 421375;
- C. one (1) Walther, Model: P22 Q, .22 caliber pistol, Serial Number: WA101077;
- G. one (1) Savage, Model: Axis, .22-250 caliber rifle, Serial Number: K387987;
- I. one (1) Rossi, SA .410 shotgun, Serial Number: SP937473;
- M. one (1) Browning, Model: Maxus, 12 gauge shotgun, Serial Number: 115ZY04039;

- O. one (1) Winchester, Model: 67, .22 caliber short rifle with no serial number, manufactured between 1934 and 1960;
- P. one (1) Winchester, Model: 02, .22 caliber short rifle with no serial number, manufactured between 1902 and 1931;
- U. one (1) American Gun Company, 12 gauge shotgun, Serial Number: 340408;
- V. one (1) Heritage, Model: Rough Rider, .22 caliber revolver, Serial Number: W00766;
- W. one (1) Ruger, Model: P90, .45 caliber pistol, Serial Number: 661-10171;
- X. one (1) Walther, Model: P22 Q, .22 caliber pistol, Serial Number: N056244;
and
- Z. one (1) Iver Johnson magnum shotgun, Serial Number: 002252.

2. Alternatively, if it is determined that the Petitioner has become prohibited from possessing firearms, since the entry of the Stipulated Settlement Agreement and Release of Claims and Consent Order, the United States may move to void the agreement between the parties.

3. Except as provided in paragraphs 1 and 2 of this section, the Court's April 25, 2023, Preliminary Order of Forfeiture is final and all right, title, and interest in the following described property is hereby forfeited to and vested in the United States, to be disposed of in accordance with the law:

FIREARMS AS LETTERED IN THE PRELIMINARY ORDER OF FORFEITURE

- A. one (1) Taurus, Model: "The Judge", .45 Long colt/.410 caliber revolver, Serial Number: LO418756;
- D. one (1) Norinco, Model: SKS, 7.62x39mm semi-automatic rifle, Serial Number: 1611308;
- E. one (1) Iver Johnson, .22 caliber Winchester Magnum rifle, Serial Number: 001298;
- F. one (1) Ruger, Model: 10/22 RB, .22 caliber rifle, Serial Number: 232-80758;
- H. one (1) Winchester, Model: 94, 30-30 caliber rifle, Serial Number: 4989926;
- J. one (1) Winchester, Model: 43, .22 caliber rifle, Serial Number: 20426A;
- K. one (1) Ruger, Model: 10/22, .22 caliber rifle, Serial Number: 0002-26284;
- L. one (1) New England Firearms, Model: Sportster, .17 HMR rifle, Serial Number: NU295541;
- N. one (1) Remington, Model: 6 rifle with no serial number;
- Q. one (1) Remington, Model: 1100 LT20, 20 gauge shotgun, Serial Number: P212555K;
- R. one (1) Western Arms Co., Model: SB100B, .410 caliber shotgun, Serial Number: A927342;
- S. one (1) NR Davis and Sons, Model: Diana, 12 gauge shotgun, Serial Number: B1209;

T. one (1) Gustav Genschow and Co., .22 caliber rifle, Serial Number: 13780;
and

Y. one (1) Remington, Model: 11-48 shotgun, Serial Number: 4007387.

4. The Court shall retain jurisdiction in the case for the purpose of enforcing
this Order.

SO ORDERED, this **29th** day of **April, 2024**.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA