

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:18-cr-92-FtM-38MRM

HECTOR E. PENA

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**PRELIMINARY ORDER OF FORFEITURE**

The United States moves, pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure, for a preliminary order of forfeiture for a Smith & Wesson firearm (serial # MPB1011) and a Glock Firearm (serial # NZG359).

Being fully advised in the relevant facts, the Court finds as follows:


The defendant has been found guilty of Count One, Three, and Five of the indictment charging possession of a firearm by a convicted felon.

The United States has established the requisite nexus between the defendant's crimes of conviction and the assets identified above. The government is now entitled to possession of the firearms, pursuant to the provisions of 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2).

Accordingly, it is **ORDERED** that the motion of the United States is **GRANTED**. Pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Federal Rule of Criminal Procedure 32.2(b)(2), the firearms identified above are **FORFEITED** to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853, as incorporated by 28 U.S.C. § 2461(c).

The Court retains jurisdiction to address any third-party interest that may be asserted and to complete the forfeiture and disposition of the property.

**DONE and ORDERED** in Fort Myers, Florida, this 23<sup>rd</sup> day of October, 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record