

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:21-cr-75-SPC-NPM

HERIBERTO BATISTA MONTIJO

ORDER¹

Before the Court, pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2), Federal Rules of Criminal Procedure, is the United States' Motion for a Final Order of Forfeiture filed on October 7, 2022. (Doc. 123). The government seeks forfeiture of a **Samsung cellular phone, model no. SM-N950F, with serial number R58KC0L60V, and an EZVIZ camera with SD card**, which were subject to a July 11, 2022, preliminary order of forfeiture (Doc. 114).

In accordance with the provisions of 21 U.S.C. § 853(n), the United States published notice of the forfeiture, and of the intent to dispose of the assets on the official government website, www.forfeiture.gov, beginning on July 13, 2022 and continuing through August 11, 2022. (Doc. 116). The publication gave notice to all third parties with a legal interest in the assets to file with the Office of the Clerk, United States District Court, Middle District of Florida,

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2110 First Street, Suite 2-194, Ft. Myers, Florida 33901, a petition to adjudicate their interest within 60 days of the first date of publication. No one has filed a petition or claimed an interest in the assets, and the time for filing such petition has expired.

Accordingly, it is now

ORDERED:

1. The United States' Motion for Final Order of Forfeiture (Doc. 123) is **GRANTED**.

2. Under 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2), Federal Rules of Criminal Procedure, all right, title, and interest in the assets are **CONDEMNED** and **FORFEITED** to the United States for disposition according to law.

3. Clear title to the assets now vests in the United States of America

DONE AND ORDERED in Fort Myers, Florida on November 21, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record