

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:23-cr-106-SPC-KCD

JIMMY DERRICK DIGGS

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**PRELIMINARY ORDER OF FOREFEITURE**<sup>1</sup>

Before the Court is the United States' Motion for Preliminary Order of Forfeiture. (Doc. 19). Now that Defendant has been adjudicated guilty, the Government seeks a preliminary order forfeiting his interest in a Smith & Wesson, .40 caliber pistol, Model: SD40VE, Serial Number: FDD1707, and all assorted ammunition seized from the defendant on or about September 1, 2022. *See* 18 U.S.C. § 924(d); Fed. R. Crim. P. 32.2(b)(2). In so moving, the Government has connected the Smith & Wesson, .40 caliber pistol, Model: SD40VE, Serial Number: FDD1707, and all assorted ammunition seized from the defendant on or about September 1, 2022 to the adjudicated offense. The Court thus finds the United States is entitled to possession of the Smith &

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<sup>1</sup> Disclaimer: Papers hyperlinked to CM/ECF may be subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or their services or products, nor does it have any agreements with them. The Court is not responsible for a hyperlink's functionality, and a failed hyperlink does not affect this Order.

Wesson, .40 caliber pistol, Model: SD40VE, Serial Number: FDD1707, and all assorted ammunition seized.


Accordingly, it is

**ORDERED:**

The United States' Motion for Preliminary Order of Forfeiture (Doc. 19) is **GRANTED**.

1. Defendant's interest in the Smith & Wesson, .40 caliber pistol, Model: SD40VE, Serial Number: FDD1707, and all assorted ammunition seized is **CONDEMNED** and **FORFEITED** to the United States for disposition according to law and subject to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Federal Rule of Criminal Procedure 32.2(b)(2).
2. Jurisdiction is retained to the extent necessary to complete the forfeiture and disposition of the asset.

**DONE AND ORDERED** in Fort Myers, Florida on November 17, 2023.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record