

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

FINAL ORDER OF FOREFEITURE

Before the Court is the United States' Motion for Final Order of Forfeiture. (Doc. 31). The Government seeks a final order forfeiting a Smith & Wesson, .40 caliber pistol, Model: SD40VE, Serial Number: FDD1707, and all assorted ammunition seized from Defendant on or about September 1, 2022 (hereinafter "Assets"). *See* 21 U.S.C. §853(n)(7); Fed. R. Crim. P. 32.2(c)(2). The Court had entered a Preliminary Order of Forfeiture for the assets on November 17, 2023. (Doc. 20).

The Government then published the Preliminary Order for thirty days and gave interested third-parties extra days to file petitions asserting their interest in the assets. But no petition has been filed and nobody has made any other claimed interest in the assets, and the time to do so has ended. The United States also properly noticed the only party known to have a potential interest in the assets, Ben Souid Bergaoui Moulidi. *See* 21 U.S.C. § 853(n). But, despite the notice, Moulidi has failed to file a petition or claim to the assets, and the time to do so has ended.

Accordingly, it is

ORDERED:

1. The United States' Motion for Final Order of Forfeiture (Doc. 31) is

GRANTED.

2. All right, title, and interest in the Assets is **CONDEMNED** and

FORFEITED to the United States for disposition according to law.

Clear title to the Assets is now vested in the United States.

DONE AND ORDERED in Fort Myers, Florida on February 29, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Suzanne C. Nebesky, AUSA
Counsel of Record