

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD EUBANK,

Defendant.

Case No. 12-cr-30052-DRH

ORDER OF FINDING OF NO THIRD-PARTY INTERESTS
(FINAL ORDER OF FORFEITURE)

On August 22, 2012, this court entered an order for forfeiture against defendant Donald Eubank for the following property which had been seized from the defendant:

One Springfield Armory, model XD-40, .40 S&W caliber semiautomatic pistol, bearing an obliterated serial number;

Nine 9mm Luger caliber cartridges; and

Any other ammunition contained within the firearm.

The Court notes that this property has already been administratively forfeited. Consequently, the Court will decline at this time to enter a final forfeiture order against this property but will reserve the right to do so at a later date should the administrative forfeiture be set aside for any reason.

On February 19, 2013, this court entered an Amended Preliminary Order for Forfeiture for the following property which had been seized from the defendant:

One Bryco Arms, model Jennings Nine-CA, 9mm Luger caliber semiautomatic pistol, bearing serial number 1503713; and

Twelve (12) 9mm Luger caliber cartridges.

The order further provided that the government would provide an opportunity for persons to claim a legal interest in the property pursuant to 21 U.S.C. § 853(n)(1).

The court notes that notice was published by the government on an official government website, www.forfeiture.gov, for 30 consecutive days beginning May 3, 2013, and ending June 1, 2013, and that no third party filed a petition within 30 days after the last date of the publication to allege an interest in the property.

Consequently, the court hereby finds, pursuant to 21 U.S.C. § 853(n)(7), that no third-party petitions were filed and that the United States of America has clear title to the above-described property that is the subject of the Amended Order of Forfeiture filed on February 19, 2013, namely:

One Bryco Arms, model Jennings Nine-CA, 9mm Luger caliber semiautomatic pistol, bearing serial number 1503713; and

Twelve (12) 9mm Luger caliber cartridges.

The Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshal shall dispose of the property according to law. The disposal may, at the discretion of the United States, include the destruction of the property. The destruction may be done at such time and location and by such persons as designated by the Bureau of Alcohol, Tobacco, Firearms and Explosives or the

United States Marshal.

IT IS SO ORDERED.

Signed this 9th day of August, 2013.

Digitally signed by
David R. Herndon
Date: 2013.08.09
14:25:19 -05'00'



**Chief Judge
United States District Court**