

Forfeiture Counsel
Asset Forfeiture and Seized Property Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE, Mail Stop 3N600
Washington, DC 20226

December 2, 2014

RE: Case number 782120-15-0004-01
782120-15-0004-02

Dear Sir, or Madam,

I am in receipt of a "NOTICE OF SEIZURE AND ADMINISTRATIVE FORFEITURE PROCEEDING" regarding the above Case numbers.

I note that you have cited a number of sources regarding the authority to conduct such seizure, to wit:

Title 18, United States Code (U.S.C.), Section 3051(c)
19 U.S.C., Sections 1602-1618
28 C.F.R., Part 8
18 U.S.C., Section 983, and/or,
21 U.S.C., Section 881
18 USC Section 921 et seq. (Gun Control Act)
Title 18, U.S.C., Sections 983 and 3051.

I have read those cited sections, and I am at a loss as to what authority is being used to deny the owners of said property. I see nothing that begins to suggest such authority within the context of those codes.

I request that you cite specific provisions, those which would lead me to understand just what authority is being used, to steal property from those who are the rightful owners thereof.

As understand the CAFRA Act of 2002, the Burden of Proof lies upon the Government, to wit:

18 USC 983 (c) Burden of Proof. - In a suit or action brought under any civil forfeiture statute for the civil forfeiture of any property -

(1) the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture;

I can find nothing in the notice of seizure that would indicate any proof, at all, that there is justification for this action.

Can you take property without noticing the real owner of said property? It would appear that the code requires that you have to identify the owner and inform them of the seizure, allowing that rightful owner to reclaim their property, or, at least, mitigate the seizure.

Our Constitution, in the Fifth Article in Amendment, places a prohibition upon the government on the government from taking property "for public use without just compensation." Unless you are taking the property for private use, I would demand obedience to the Constitution and its Amendments.

I trust that this correspondence will be answered in a timely manner, so as to not jeopardize, by your assumptions, the rights of the owners of the property, unfairly, and without due process, and, equal protection, of law. If there is a delay in responding to this request, I would hope that a continuance be granted beyond the December 24, 2014 date indicated in the "Notice".

Respectfully,

Kevin Massey
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Quinlan, Texas 75474