

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No.: 3:07CV397
	)	
APPROXIMATELY 53 PIT BULLDOGS,	)	
	)	
Defendant.	)	

**MOTION FOR ORDER AS TO FINAL DISPOSITION**

COMES NOW the United States of America, pursuant to 7 U.S.C. §2156(f), and herewith moves the Court to enter an order as to final disposition of the forfeited pit bulldogs. In support of this motion, the government states the following:

1. This is an in rem forfeiture action pursuant to 7 U.S.C. §2156(f) seeking the forfeiture of approximately 53 pit bulldogs involved in an animal fighting venture.
2. On August 31, 2007, the Court entered a judgment forfeiting the seized dogs to the United States.
3. On October 16, 2007, the Court granted a motion by the government to appoint Professor Rebecca J. Huss as the guardian/special master to evaluate the permanent disposition options for the forfeited pitbulls.<sup>1</sup>

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<sup>1</sup> Section 2156(f), unlike most forfeiture statutes which prescribe that forfeited property be disposed of “according to law” or “as the Attorney General may direct,” reserves to the court hearing the forfeiture action the disposition of the forfeited property: “Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States . . . and **upon a judgment of forfeiture shall be disposed of by sale for lawful purposes**”

4. Attached hereto is the Summary Report which explains how Professor Huss evaluated the animals, devised an application process for organizations seeking to provide placement facilities and services and her recommendation as to the permanent disposition of all of the forfeited pitbulls.

5. The government hereby moves the Court to adopt Professor Huss' report and recommendation and to authorize the United States Department of Agriculture to enter into agreements with the recommended rescue organizations setting the precise terms of the transfer of title to the dogs and their permanent placement.<sup>2</sup> Professor Huss has thoroughly evaluated all of the dogs in accordance with the Court's October 16, 2007 Order and considered all options for their disposition taking into account 1) the safety of the public and other animals with respect to any dogs which may be aggressive and 2) the quality of life for any dogs that may require long term housing in a restrictive environment. As noted in her report, Professor Huss has determined the best placement for each of the dogs, and her conclusions are explained in her report. The amount of effort and attention to detail by Professor Huss is nothing short of extraordinary. The United States urges the Court to adopt her recommendations. The costs associated with the

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**or by other humane means, as the court may direct.”** (Emphasis added)

<sup>2</sup> The government initially proposed numerous criteria that prospective placement organizations should meet in order to be considered appropriate permanent placement options. See paragraph 4 of October 16, 2007 Order. In order to place all of the forfeited pitbulls, some modification of the initial criteria is required. The only significant revision to the initial criteria is that some relaxation of the confidentiality provisions is now necessary. The government believes that issue and the numerous details of placement can best be accomplished by permitting the Department of Agriculture, with the guidance of the guardian/special master, to resolve through negotiated agreements between the Department of Agriculture and the recommended placement organizations. The United States is satisfied that all of the proposed placement organizations meet the essential criteria of the Order designed to protect the public and the dogs.

evaluation and placement will be addressed at the sentencing of the related criminal case, United States v. Vick, No. 3:07CR274.

WHEREFORE, the United States prays the court will enter an order as prayed for herein.

Respectfully submitted,

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