

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

VOCATURA'S BAKERY, INC.,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,

JOHN KOSKINEN, COMMISSIONER
OF INTERNAL REVENUE,

LORETTA LYNCH, ATTORNEY
GENERAL OF THE UNITED STATES,

UNITED STATES OF AMERICA,

Defendants.

Case No. 3:16mc-00147-RNC
May 24, 2016
FILED
MAY 24 PM 12 05
DISTRICT COURT

MOTION FOR RETURN OF PROPERTY UNDER RULE 41(g)

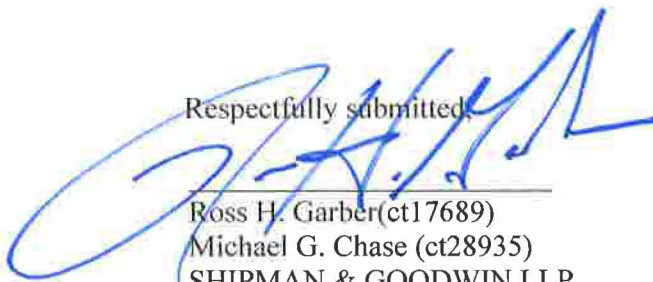
Pursuant to Federal Rule of Criminal Procedure 41(g) and 18 U.S.C. § 983(a)(3)(B), Plaintiff Vocatura's Bakery, Inc. hereby moves this Court for the return of \$68,382.22 seized on May 1, 2013. This Court "should construe a motion requesting return of property under Rule 41[g] as initiating a civil action in equity." *Lavin v. United States*, 299 F.3d 123, 127 (2d Cir. 2002) (citing *Mora v. United States*, 955 F.2d 156, 158 (2d Cir. 1992)).

As explained in detail in the accompanying memorandum, return of the seized property is required both because the government has failed to comply with mandatory statutory deadlines set by Congress, 18 U.S.C. § 983(a)(3)(B), and because the government's three-year delay in this case is so extreme that to commence forfeiture proceedings at this stage would violate Plaintiff's constitutional right to due process of law.

For these and other reasons set forth in the accompanying memorandum, Plaintiff respectfully requests an order from this Court directing the United States to immediately return the money it has seized.

Dated: May 24, 2016

Respectfully submitted,



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*Applications for Admission
Pro Hac Vice to be filed
forthwith.

Attorneys for Plaintiff Vocatura's Bakery, Inc.