

Appendix

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-4689

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BARTON JOSEPH ADAMS,

Defendant - Appellant,

and

JOSEPHINE ARTILLAGA ADAMS; BRIAN ADAMS,

Claimants - Appellants.

Appeal from the United States District Court for the Northern District of West Virginia,
at Martinsburg. John Preston Bailey, District Judge. (3:08-cr-00077-JPB-RWT-1)

Submitted: April 22, 2019Decided: May 17, 2019

Before MOTZ and WYNN, Circuit Judges, and DUNCAN, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Barton Joseph Adams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barton Adams, Josephine Adams, and Brian Adams (collectively, “Appellants”) seek to appeal the district court’s order amending the final order of forfeiture in Barton Adams’ criminal case. The district court entered the final order of forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2), on June 25, 2014. We dismissed Appellants’ appeal of the final order of forfeiture, holding that they lacked standing because the order had no bearing on any of their rights. *United States v. Adams*, 663 F. App’x 269, 272 (4th Cir. 2016) (Nos. 16-6190, 16-6199, 16-6202, 16-6203, 16-6205); *see* Fed. R. Crim. P. 32.2 advisory committee’s note to 2000 adoption subdiv. (b); *United States v. Flanders*, 752 F.3d 1317, 1343 (11th Cir. 2014) (holding that criminal defendant lacks standing to appeal final order of forfeiture); *Doe v. Pub. Citizen*, 749 F.3d 246, 257 (4th Cir. 2014) (discussing standard for constitutional and prudential standing on appeal and holding that persons not bound or aggrieved by district court’s order lack standing to appeal).

On September 18, 2018, the district court granted the Government’s motion to amend the final order of forfeiture to correct a clerical error under Fed. R. Crim. P. 36. Appellants argue that the district court lacked the authority to amend the final order of forfeiture. We conclude that Appellants’ lack of standing to appeal the June 2014 final order of forfeiture is the law of the case. *Carlson v. Bos. Sci. Corp.*, 856 F.3d 320, 325 (4th Cir. 2017) (describing law-of-the-case doctrine). Just as Appellants lacked standing to appeal the final order of forfeiture, they lack standing to appeal an amendment to that order.

We therefore dismiss the appeal and deny Appellants' motions seeking the appointment of counsel, their motion challenging the district court's jurisdiction to enter the amended final order of forfeiture, and their motion to reconsider. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 3:08CR77-01
(Judge Bailey)**

BARTON JOSPEPH ADAMS.,

Defendant.

AMENDED FINAL ORDER OF FORFEITURE

The United States' request for an Order amending the Final Order of Forfeiture (Doc. 1333) is GRANTED.

WHEREFORE, it is ORDERED that this Court's Final Order of Forfeiture (Doc. 1333) is hereby amended to reflect the forfeiture of the following:

1. Draft in the amount of \$250,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884402 (Reissued Check No. 296555), payee Brian Adams; 2. Draft in the amount of \$9,200 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884506 (Reissued Check No. 296557), payee Brian Adams; 3. Draft in the amount of \$9,300 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884505 (Reissued Check No. 296556), payee Brian Adams; 4. Draft in the amount of \$15,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884507 (Reissued Check No. 296558), payee Brian Adams; 5. Draft in

the amount of \$90,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884520, payee Brian Adams; 6. Draft in the amount of \$15,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884577, payee Josephine Adams; 7. Draft in the amount of \$5,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884603, payee Brian Adams; 8. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884616, payee Brian Adams; 9. Draft in the amount of \$25,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884690, payee Brian Adams; 10. Draft in the amount of \$25,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884689, payee Josephine Adams; 11. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884979, payee Josephine Adams; 12. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884980, payee Josephine Adams; 13. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884978, payee Josephine Adams; 14. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884977, payee Josephine Adams; 15. Draft in the amount of \$9,500 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884987, payee Josephine Adams; 16. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 884988, payee Josephine Adams; 17. Draft in the amount of \$9,000

U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885069, payee Josephine Adams; 18. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885067, payee Josephine Adams; 19. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885068, payee Josephine Adams; 20. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885070, payee Josephine Adams; 21. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885296, payee Josephine Adams; 22. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885303, payee Josephine Adams; 23. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885298, payee Josephine Adams; 24. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885302, payee Josephine Adams; 25. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885301, payee Josephine Adams; 26. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885299, payee Josephine Adams; 27. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 885297, payee Josephine Adams; 28. Draft in the amount of \$9,000 U.S. dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft

Account, Check No. 885300, payee Josephine Adams; 29. Draft in the amount of \$50,000 Canadian dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 800671 (Reissued Check No. 057222), payee Brian Adams; 30. Draft in the amount of \$100,000 Canadian dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 800672 (Reissued Check No. 057223), payee Brian Adams; 31. Draft in the amount of \$60,000 Canadian dollars being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 800674 (Reissued Check No. 057224), payee Keyfield Limited; 32. Draft in the amount of 50,000 Euro being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 806342 (Reissued Check No. 012409), payee Brian Adams; 33. Draft in the amount of 60,000 Euro being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 806343 (Reissued Check No. 012410), payee Brian Adams; 34. Draft in the amount of 100,000 Euro being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 806344 (Reissued Check No. 012411), payee Brian Adams; 35. Draft in the amount of 80,000 Euro being held by Standard Chartered Bank in Hong Kong's Unclaimed Demand Draft Account, Check No. 806346 (Reissued Check No. 012412), payee Brian Adams.

Pursuant to Rule 32.2(b)(6)(A), and to notify any third-party claiming any ownership interest in the subject property, the United States published notice of the forfeiture on the government's official internet forfeiture website for 30 consecutive days, commencing on July 16, 2013 and ending on August 14, 2013.

The deadline for filing a petition asserting an interest in property was 30 days after the date of the final publication of the Notice of Forfeiture. 21 U.S.C. § 853(n)(2).

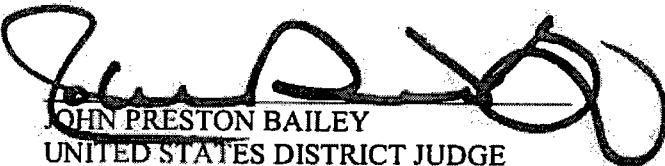
No one asserting an interest in said property has petitioned the Court for a hearing to

adjudicate the validity of an asserted interest.

Accordingly, it is ORDERED that the forfeiture of said personal property is FINAL as to the defendant and any third-party to this criminal action.

SO ORDERED.

DATED: 9-18-2018


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

PROB 22 (Rev. 2/88)		DOCKET NUMBER (<i>Trans. Court</i>) 3:08CR77-001
TRANSFER OF JURISDICTION		DOCKET NUMBER (<i>Rec. Court</i>)
NAME AND ADDRESS OF PROBATIONER/SUPERVISED ADAMS, BARTON JOSEPH	DISTRICT West Virginia Northern	DIVISION Martinsburg
	NAME OF SENTENCING JUDGE Honorable John Preston Bailey	
	DATES OF PROBATION/ SUPERVISED RELEASE	FROM 02/27/2015
OFFENSE Count Ten: Health Care Fraud Count Thirteen: Tax Evasion by Evasion of Payment of Year 2006		
PART 1 - ORDER TRANSFERRING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA		
<p>IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3605, the jurisdiction of the Probationer or Supervised Releasee named above be transferred with the records of this Court to the United States District Court for the Eastern District of Virginia upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of Probation or Supervised Release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*</p> <p><i>7-5-2016</i> Date</p> <p> United States District Judge</p>		
*This sentence may be deleted in the discretion of the transferring Court.		
PART 2 - ORDER ACCEPTING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA		
<p>IT IS HEREBY ORDERED that jurisdiction over the above-named Probationer/Supervised Releasee be accepted and assumed by this Court from and after the entry of this order.</p> <p> /s/ Leonie M. Brinkema United States District Judge</p> <p><i>July 14, 2016</i> Effective Date</p>		