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

	:	
UNITED STATES OF AMERICA	:	CRIMINAL NUMBER
v.	:	No. 09-88
GEORGE GEORGIOU	:	
	:	

MEMORANDUM

ROBERT F. KELLY, Sr. J. **JUNE 19, 2018**

Presently before the Court are *pro se* Petitioner, George Georgiou's ("Georgiou") "Motion to Vacate Forfeiture Order and Order for Substitute Assets, Under U.S.C. – s – 1651, the All Writs Act, or, for a Writ of Audita Querela, Pursuant to Change in Supreme Court Law: Honeycutt v. United States, 581 U.S. __ (2017)," Georgiou's amendments, and Reply Brief. The United States has filed a Response in Opposition. For the reasons stated below, Georgiou's Motion is denied.

I. BACKGROUND

In 2010, a federal jury convicted Georgiou of conspiracy, securities fraud, and wire fraud for his participation in planned manipulation of the markets of four publicly traded stocks, resulting in more than $55,000,000 in actual losses. On November 19, 2010, this Court sentenced Georgiou and, among other things, ordered him to pay $55.8 million in restitution. This Court also granted the government's motion for entry of a $26 million money judgment pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c). (Doc. No. 228.) The money judgment represents the amount of property which constitutes, or is derived from proceeds traceable to the securities fraud and wire fraud offenses, or conspiracy to commit those offenses,

for which Georgiou was found guilty. (Doc. Nos. 220, 228.) To date, the government has been unable to forfeit or recover property to satisfy the money judgment. Georgiou also has made only minimal payments toward restitution and the money judgment, and these obligations remain outstanding.

In approximately August 2012, the government became aware of additional property that it believed belonged to Georgiou; namely, funds in Account No. 09971-5038021 at Royal Bank of Canada in the name of Brent David Emanuel having an approximate value of CAD[1] $9.2 million ("RBC Account"). Since the government was unable to locate directly forfeitable property relating to Georgiou's offenses, it sought to forfeit the funds in this account as substitute property, pursuant to 21 U.S.C. § 853(p), as payment for the money judgment. On August 24, 2012, this Court granted the government's Motion for Order of Forfeiture of Substitute Asset, and entered a Preliminary Order of Forfeiture for Substitute Asset that forfeited to the United States Georgiou's interest in the funds in the RBC Account ("Substitute Asset Order"). On September 21, 2012, this Court granted the government's motion and entered an Amended Substitute Asset Order that clarified certain provisions of the Substitute Asset Order.

In 2015, the United States Court of Appels for the Third Circuit ("Third Circuit") affirmed Georgiou's judgment of conviction and sentence. United States v. Georgiou, 777 F.3d 125, 147 (3d Cir. 2015). Regarding forfeiture, the Third Circuit stated:

> Georgiou did not object - though he had several opportunities to do so - to the Court's imposition of the forfeiture order, which had been submitted to the Court prior to sentencing. Thus, any claims on the basis of this forfeiture have been waived. Furthermore, even absent the waiver, the forfeiture is proper under 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) because the $26,000,000 subject to forfeiture "constitutes, or is derived from proceeds

[1]CAD represents Canadian Dollars.

> traceable to the offenses of which the defendant was convicted." . . . . Because Appellant waived his objections and because the order was, in fact, proper, there is no basis for a finding of clear error with respect to the forfeiture.

Id. (ellipses added). On November 2, 2015, the United States Supreme Court ("Supreme Court") denied his Petition for Certiorari. Currently, Georgiou's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence is pending.

Georgiou seeks to vacate the forfeiture judgment and substitute assets order under the All Writs Act, 28 U.S.C. § 1651, through a writ of *audita querela*.[2] He challenges the forfeiture judgment on the basis of the Supreme Court's recent decision in Honeycutt v. United States, – U.S. –, 137 S. Ct. 1626 (2017). Additionally, he seeks to vacate the substitute asset order alleging that this Court improperly issued it. For the following reasons, we will deny Georgiou's Motion.

II. LAW

"The All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute." Massey v. United States, 581 F.3d 172, 174 (3d Cir. 2009) (quoting Pa. Bureau of Corr. v. U.S. Marshals Serv., 474 U.S. 34, 43 (1985)). "Where a statute specifically addresses the particular issue at hand, it is that authority, and not the All Writs Act, that is controlling." Id. "The common law writ of *audita querela* permitted a defendant to obtain 'relief against a judgment or execution because of some defense or discharge arising subsequent to the rendition of the judgment.'" Id. (quoting United States v. Ayala, 894 F.2d 425, 427 (D.C. Cir. 1990)). Although the writ of *audita querela* has been abolished in civil cases, it "is available in criminal cases to the extent that it fills in gaps in the current system of post-conviction relief."

[2]We have made every effort to view Georgiou's claims broadly in light of his *pro se* status. See Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 244-46 (3d Cir. 2013) (discussing the obligation of a court to liberally construe *pro se* pleadings and other submissions, particularly focusing on imprisoned *pro se* litigants).

Id. (citing United States v. Holt, 417 F.3d 1172, 1175 (11th Cir. 2005); United States v. Valdez-Pacheco, 237 F.3d 1077, 1079 (9th Cir. 2001)); see also Fed. R. Civ. P. 60(e) (stating that writ of *audita querela* is abolished). The writ of *audita querela* is only available "where the petitioner raises a (1) valid legal objection; (2) to a judgment that arises after that judgment is entered; and (3) that is not redressable by some other means." Muirhead v. Attorney Gen. of U.S., 262 F. App'x 473, 474 (3d Cir. 2008).

The common law writ of *audita querela* is an "extraordinary remed[y] that [is] appropriate only in compelling circumstances." United States v. Watkins, 440 F. App'x 643, 645 (10th Cir. 2011); see also United States v. Zuckerman, 367 F. App'x 291, 294 (3d Cir. 2009); Rawlins v. Kansas, 714 F.3d 1189, 1193 (10th Cir. 2013) ("Audita querela still receives attention, however, in the immigration context. Immigrants facing deportation on account of their criminal convictions have on occasion attempted to use audita querela to argue that deportation would be an unduly harsh consequence in light of mitigating circumstances."). Indeed, as of the date of this Opinion, the writ of *audita querela* has been mentioned in only six reported decisions by the Third Circuit. See Massey, 581 F.3d at 172; In re Nwanze, 242 F.3d 521 (3d Cir. 2001); In re Dorsainvil, 119 F.3d 245 (3d Cir. 1997); Neely v. United States, 546 F.2d 1059 (3d Cir. 1976); United States v. Backofen, 176 F.2d 263 (3d Cir. 1949); Klapprott v. United States, 166 F.2d 273 (3d Cir. 1948). None of the decisions provided relief on the basis of *audita querela*.

III. DISCUSSION

A. Forfeiture Money Judgment – Honeycutt v. United States

Georgiou argues that the Supreme Court's recent decision in Honeycutt requires vacatur of this Court's November 9, 2010 Forfeiture Money Judgment ("Forfeiture Order") because he

was held jointly and severally liable for the entire judgment. His argument is based upon the premise that the Forfeiture Order should be vacated because Honeycutt applies retroactively on collateral review. For the following reasons, the Court rejects Georgiou's arguments.

Honeycutt concerned 21 U.S.C. § 853, which mandates forfeiture of "'any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of' certain drug crimes." Honeycutt, 137 S. Ct. at 1630 (quoting 21 U.S.C. § 853(a)(1)). Under § 853(a)(1), the Honeycutt Court unanimously held that a defendant may not be "jointly and severally liable for property that his co-conspirator derived from the crime but that the defendant himself did not acquire." Id. In doing so, the Court analyzed the text and structure of § 853, concluding that the provisions at issue "limit forfeiture . . . to tainted property[,]" which is "property flowing from . . . the crime itself." Id. at 1632. Because § 853(a) "defines forfeitable property solely in terms of personal possession or use[,]" the Court held that "only 'tainted property acquired or used by the defendant' is subject to § 853(a) forfeiture, preventing the imposition of joint and several liability reaching untainted property as well." United States v. Brown, 714 F. App'x 117, 118 (3d Cir. 2018) (quoting Honeycutt, 137 S. Ct. at 1633).

As noted above, Georgiou's Forfeiture Order entered a money judgment against him in the amount of $26 million. The Forfeiture Order stated that Georgiou was required, "pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), to forfeit his interest in any property, real or personal, which constitutes, or is derived from proceeds traceable to . . . securities fraud and wire fraud, or a conspiracy to commit such offenses." (Forfeiture Order ¶ 1.) Although he was the only defendant in his case, and the Forfeiture Order did not expressly hold him jointly and severally liable, Georgiou claims that he, nevertheless, is being held jointly and severally liable for the crimes of "alleged, unindicted, co-conspirators." (Doc. No. 384 ¶ 11.)

The Forfeiture Order became final in November 2015 when the Supreme Court denied Georgiou's Petition for Certiorari. See Fed. R. Crim. P. 32.2 (setting forth the procedures governing criminal forfeiture); Griffith v. Kentucky, 479 U.S. 314, 321 n.6 (1987) (stating that an order is "final" when "a judgment of conviction has been rendered, the availability of appeal exhausted, and the time for a petition for certiorari elapsed or a petition for certiorari finally denied"); see also United States v. Pelullo, 178 F.3d 196, 202 (3d Cir. 1999) ("[T]he order of forfeiture entered at sentencing is a final order with respect to the defendant from which he can appeal."). Thus, Georgiou asserts that the reasoning in Honeycutt, a case decided in 2017, applies retroactively on collateral review to his Forfeiture Order.[3] Although the government states that the decision in Honeycutt is a new substantive rule that may be applied retroactively, even on collateral review, the Court has serious doubts as to Honeycutt's retroactive application on collateral review.[4]

First, the United States District Court for the Eastern District of Kentucky recently held that the new rule pronounced in Honeycutt does not apply retroactively. See United States v. Filice, No. 13-8-DLB-CJS-11, 2018 WL 2326616, at *3 (E.D. Ky. May 22, 2018). Like Georgiou, the defendant in Filice sought to have Honeycutt applied retroactively to his case; specifically, his final forfeiture order, which has been final for more than three years. Id. at *1-3.

---

[3]Of course, a natural starting point would be whether the reasoning in Honeycutt as it pertains to the statute at issue there, 21 U.S.C. § 853, would extend to the forfeiture statute in the instant matter, 18 U.S.C. § 981(a)(1)(C). Although 18 U.S.C. § 981(a)(1)(C) does not use the word "obtain," as 21 U.S.C. § 853(a)(1) does, the Third Circuit has held that the text and structure of the two statutes "are substantially the same" and that it saw "no reason why the holding in Honeycutt does not apply with equal force to [18 U.S.C. § 981(a)(1)(C)]." United States v. Gjeli, 867 F.3d 418, 427-28 (3d Cir. 2017). Therefore, in accordance with binding Third Circuit precedent, we will extend Honeycutt's reasoning to 18 U.S.C. § 981(a)(1)(C).

[4]"[N]ew constitutional rules of criminal procedure are generally not retroactive to cases on collateral review." In re Hoffner, 870 F.3d 301, 304 (3d Cir. 2017) (quotations omitted). "However, two categories of decisions . . . fall outside this general retroactivity bar: new substantive rules and watershed rules of criminal procedure." Id. (quotation marks omitted) (ellipses added). "A procedural rule regulate[s] only the manner of determining the defendant's culpability." Id. (quotation marks omitted). "A substantive rule alters the range of conduct or the class of persons that the law punishes." Id. (quotation marks omitted).

The Filice court stated that "Honeycutt announced a new rule." Id. at *2 (citing Teague v. Lane, 489 U.S. 288, 301 (1989) ("[A] case announces a new rule if the result was not *dictated* by precedent existing at the time the defendant's conviction became final.")). Thus, the Filice court acknowledged that "[w]hether Honeycutt applies retroactively depends on the finality of a case and whether the new rule is substantive or procedural." Id.

The Filice court performed an analysis of the retroactive applicability of Honeycutt on collateral review. Id. at *2-3. To start, it stated that "'a new rule is not made retroactive to cases on collateral review' unless the Supreme Court holds it to be retroactive." Id. at *3 (citing Tyler v. Cain, 533 U.S. 656, 663 (2001)). It went on to specifically conclude that "Honeycutt did not make its ruling retroactive to cases on collateral review. Nor is Honeycutt's new rule substantive or a watershed rule of criminal procedure." Id. Regarding whether the new rule in Honeycutt is substantive, the Filice court stated:

> The new rule in Honeycutt is not substantive because it has not altered "the range of conduct or the class of person's that the law punishes." [Schriro v. Summerlin, 542 U.S. 348, 353 (2004)]. A co-conspirator can still be reached by 21 U.S.C. § 853, and may still be liable in forfeiture judgment for any money "constituting, or derived from, any proceeds . . . obtained, directly or indirectly, as the result of [a felony drug violation]." 21 U.S.C. § 853(a)(1). That his liability does not extend to money obtained by someone else, see Honeycutt, 137 S. Ct. at 1632, simply alters the extent of a defendant's forfeiture liability, and does not alter what conduct is punishable, or who is punishable under the same law. Comparing Honeycutt to a recent Supreme Court case, Johnson v. United States, 135 S. Ct. 2551 (2015), helps elucidate the difference.
>
> In Johnson, the Supreme Court found that imposing an increased sentenced under the residual clause of the Armed Career Criminal Act ("ACCA") was unconstitutional under the void-for-vagueness doctrine. Subsequently, the Supreme Court determined that the new rule announced in Johnson was substantive; before Johnson, any person who was caught in possession of a firearm after three violent felony convictions might face fifteen years to life in prison, while after Johnson, such a person might only face a maximum of

> ten years in prison. Welch v. United States, 136 S. Ct. 1257, 1265 (2016). Thus, Johnson "changed the substantive reach of the [Act], altering the range of conduct or the class of persons" punished by the ACCA. Id. Under Honeycutt, forfeiture still exists for any person convicted of a felony under the Drug Abuse Prevention and Control Act ("DAPCA"), 21 U.S.C. Chapter 13. Honeycutt did not alter the range of conduct prohibited under the act; it only limited the forfeiture liability of convicted co-conspirators. Nor did Honeycutt not alter the range of persons - "any person" convicted of a felony under the DAPCA remains subject to forfeiture. The new rule in Honeycutt is therefore not substantive.

Id. at *3. Thus, since the new rule in Honeycutt solely limits the forfeiture liability of convicted co-conspirators, the Filice court did not find it to be substantive. See id.

Regarding the question of whether Honeycutt presents a new watershed rule of criminal procedure that implicates the fundamental fairness and accuracy of the criminal proceeding, the Filice court concluded that "[i]n Honeycutt, the Supreme Court's clarification that the plain text of § 853(a)(1) . . . foreclose[s] joint and several liability for co-conspirators . . . is not the type of rule that can be considered a new watershed rule of criminal procedure." Id. (quoting Honeycutt, 137 S. Ct. at 1633) (citation omitted). As a result of finding that the new rule announced in Honeycutt does not fall within one of the two recognized exceptions to non-retroactivity, the Filice court concluded that it does not apply retroactively on collateral review.

Second, we find that there appears to be no basis for collateral application of a new Supreme Court rule, either substantive or procedure, regarding final forfeiture orders. Congress has not authorized a collateral attack on final forfeiture through either a motion to vacate under 28 U.S.C. § 2255 or a habeas corpus petition under 28 U.S.C. § 2241. See United States v. Alquza, No. 3:11CR373-FDW, 2017 WL 4451146, at *2 (W.D.N.C. Sept. 21, 2017), aff'd, 722 F. App'x 348 (4th Cir. 2018); see also United States v. Ball, No. CR 14-20117, 2017 WL 6059298, at *2-3 (E.D. Mich. Dec. 7, 2017) ("Section 2255 does not provide a basis for the

defendant's forfeiture attack and his motion to vacate must be dismissed for that reason."); Ferguson v. United States, No. 2:16-CR-00010, 2017 WL 5500919, at *3 (S.D. Ohio Nov. 16, 2017), report and recommendation adopted, No. 2:16-CR-00010-1, 2017 WL 5991743 (S.D. Ohio Dec. 4, 2017) ("Finally, federal habeas corpus does not provide a remedy for challenges to a restitution order or judgment of forfeiture."); Bangiyev v. United States, No. 14-CR-206, 2017 WL 3599640 at *4 (E.D. Va. Aug. 18, 2017) ("To the extent that Petitioner seeks to reduce the amount he owes in forfeiture through this Motion, the Government correctly points out that the relief cannot be provided through § 2255.").

Also, the Federal Rules of Criminal Procedure do not provide for an untimely attack on a final order of forfeiture. See Alquza, 2017 WL 4451146, at *3-4 (stating that Federal Rule of Criminal Procedure 32.2 does not permit a defendant to, outside of a timely appeal in conformance with Federal Rule of Appellate Procedure 4, attack the final forfeiture of properties, and Federal Rules of Criminal Procedure 35 and 36 do not authorize a defendant's untimely motion); see also Winkelman v. United States, 494 F. App'x 217, 220 n.4 (3d Cir. 2012) ("We nevertheless note that neither a [Federal Rule of Criminal Procedure] 41(g) motion nor a civil action under 18 U.S.C. § 983(e) is a proper vehicle for collaterally challenging a criminal judgment of forfeiture.").

As previously noted, the Honeycutt Court did not make its ruling retroactive on collateral review. However, we also point out that "Honeycutt does nothing to elucidate on the untimeliness of [a defendant's] challenge to final orders." Alquza, 2017 WL 4451146, at *2. We understand that Georgiou is attempting to extend the writ of *audita querela* in this situation precisely because there does not appear to be any avenue for retroactive application of Honeycutt on collateral review to his final Forfeiture Order, but we are unwilling to extend it here. See

McCarthan v. Dir. of Goodwill Indus.-Suncoast, Inc., 851 F.3d 1076, 1095 (11th Cir. 2017) (en banc) ("Retroactivity means that a court is no longer barred from applying a new rule on collateral review, not that a court must create a vehicle for collateral review because there is a new rule.").

We have been unable to find where either the Supreme Court or the Third Circuit have opined that a writ of *audita querela* is available in this context. Also, neither Congress nor the Federal Rules of Criminal Procedure provide such a basis for collateral review of a final order of forfeiture, and we do not want to overstep by creating such an avenue through applying the extraordinary writ of *audita querela*. See Winkelman, 494 F. App'x at 220 (stating that a defendant may challenge a forfeiture order only on direct appeal); United States v. Guerra, 426 F. App'x 694, 698 (11th Cir. 2011) ("[T]he All Writs Act did not give the district court authority to modify the forfeiture order. As the Supreme Court has explained, the All Writs Act does not apply if there is a more specific statutory provision on point . . . . Here, 18 U.S.C. § 3742(a) provides that a defendant may appeal his sentence to a court of appeals. Guerra was required to follow that procedure to challenge the forfeiture order, rather than seeking relief under the All Writs Act.").

In the context of this case, our declining to extend the writ of *audita querela* is bolstered by numerous post-Honeycutt cases, albeit not regarding a writ of *audita querela*, which have decided that there is no legal basis for disturbing a final order of forfeiture that has been final for years. See Alquza, 722 F. App'x at 348 (stating that "[t]he district court correctly noted that Alquza's collateral attack on the final forfeiture order was untimely"); United States v. Yancey, 707 F. App'x 342, 344 n.1 (6th Cir. 2017) (holding that, regardless of whether the forfeiture order was proper in light of Honeycutt, a defendant's forfeiture order was final upon expiration

of his time for direct appeal in February 2014); United States v. Bogdanov, 863 F.3d 630, 635 (7th Cir. 2017) (declining to upset a forfeiture order that may have improperly held several co-conspirators jointly and severally liable when defendant failed to raise argument on appeal stating "Bogdanov's forfeiture of this argument means that we must save for another day the possible application of [Honeycutt] to an arrangement such as this one");[5] United States v. Purify, No. 13-CR-00028-JED-29, 2017 WL 4875296, at *2 (N.D. Okla. Oct. 25, 2017) ("Though it is improper under Honeycutt to apply joint and several liability in the § 853 forfeiture context, this Court has found no legal basis for disturbing an order of forfeiture that has been final for nearly two years. The few courts that have addressed this question thus far have come to the same conclusion."); Alquza, 2017 WL 4451146, at *3 (stating that defendant does not cite a basis for his collateral attack on final forfeiture order because there is no basis for his attack). Accordingly, we decline to issue a writ of *audita querela* to Georgiou's Forfeiture Order, which has been final for over two and a half years.

B. Substitute Asset Order

On September 21, 2012, this Court entered an Amended Preliminary Order of Forfeiture for Substitute Assets to satisfy the money judgment component of Georgiou's criminal sentence. (Doc. No. 288.) Upon the government's motion, a court may "order the forfeiture of any other property of the defendant, up to the value of any property" that,

> as a result of any act or omission of the defendant: (A) cannot be located upon the exercise of due diligence; (B) has been transferred or sold to, or deposited with, a third party; (C) has been placed beyond the jurisdiction of the court; (D) has been substantially diminished in value; or (E) has been commingled with other property which cannot be divided without difficulty.

[5]Regarding the Forfeiture Order, Georgiou did not object to joint and several liability.

21 U.S.C. § 853(p)(1). Georgiou argues that "the Government has never actually undertaken diligence to locate offense related proceeds, as required under Rule 32.2 – s – 853(p), before seeking the Orders for Substitute Assets." (Pet'r's Mot. to Vacate 3.) He argues that the government has never submitted affidavits or evidence of due diligence to the Court. (Id.)

However, the time for Georgiou to appeal has long since passed. Federal Rule of Criminal Procedure 32.2(b)(4)(C), cross-referencing Federal Rule of Appellate Procedure 4(b), allows for fourteen (14) days to file a timely appeal from the date of the final forfeiture order. See United States v. Torres, 450 F. App'x 361, 362 (5th Cir. 2011); see also United States v. Flanders, 752 F.3d 1317, 1343 (11th Cir. 2014) (citing Rule 32.2, Advisory Committee Note, Subdiv. (b) (2000 Adoption) ("The advisory committee notes explain that a defendant's right to appeal a forfeiture order runs from the entry of the preliminary order of forfeiture, because that is when the order becomes final as to the defendant."). If the court amends the forfeiture order, including additional property under a substitute forfeiture order, the defendant has an additional fourteen (14) days to file a timely appeal. Fed. R. Crim. P. 32.2(b)(4)(C). Georgiou did not file an appeal within the appropriate time, and any alleged defects in the government's motion for the Amended Preliminary Order of Forfeiture for Substitute Assets were apparent in 2012.

Georgiou had an adequate remedy at law because he could have appealed directly from the forfeiture order as to substitute assets. See Torres, 450 F. App'x at 362 ("Because Torres could - and did - appeal directly and timely from the forfeiture order as to substitute assets, he had an adequate remedy at law . . . ."). Therefore, the All Writs Act is inapplicable and Georgiou may not seek relief pursuant to a writ of *audita querela*. See Massey, 581 F.3d at 174 ("[T]he writ is available in criminal cases to the extent that it fills in the gaps in the current system of post-conviction relief.").

Additionally, an appeal from a substitute forfeiture order must concern whether the substitution, itself, was proper. See Torres, 450 F. App'x at 362. A defendant cannot use an appeal from a substitute forfeiture order to relitigate the initial order of forfeiture that became final at his sentencing. See Sutton v. United States, No. 1:13-CV-406-SEB-MJD, 2014 WL 11515871, at *1 (S.D. Ind. May 15, 2014). Substitute assets "neither comprise[] the fruits of nor [are] connected to the defendant's alleged crime." United States v. Gordon, 710 F.3d 1124, 1136 n.14 (10th Cir. 2013) (quoting United States v. Jarvis, 499 F.3d 1196, 1204 (10th Cir. 2007)). Rather, the government "may seize [the substitute property] to satisfy a forfeiture judgment if the tainted property is unavailable." United States v. Erpenbeck, 682 F.3d 472, 477 (6th Cir. 2012) (quoting 21 U.S.C. § 853(p)).

IV. CONCLUSION

As discussed above, Georgiou's Motion to Vacate Forfeiture Order and Order for Substitute Assets is denied.

An appropriate Order follows.

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

UNITED STATES OF AMERICA	:	CRIMINAL NUMBER
v.	:	No. 09-88
GEORGE GEORGIOU	:	

O R D E R

AND NOW, this 19th day of June, 2018, upon consideration of George Georgiou's ("Georgiou") *pro se* "Motion to Vacate Forfeiture Order and Order for Substitute Assets, Under U.S.C. – s – 1651, the All Writs Act, or, for a Writ of Audita Querela, Pursuant to Change in Supreme Court Law: Honeycutt v. United States, 581 U.S. __ (2017)" (Doc. No. 384), Georgiou's amendments, and Reply Brief, as well as the Response filed by the United States, it is hereby **ORDERED** that the Motion is **DENIED**.

IT IS FURTHER ORDERED that Georgiou's *pro se* Motion to Stay Final Order of Forfeiture of Substitute Assets (Doc. No. 416) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE