

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 10-1047

Rickey L. Jackson,

Appellant,

v.

United States of America,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: October 7, 2010
Filed: October 29, 2010

Before BYE, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Rickey Jackson appeals the district court's¹ order, entered after a bench trial, granting in part and denying in part his motion for return of property under Federal Rule of Criminal Procedure 41(g), which authorizes a person whose property was seized by the government to petition the district court for its return. Following careful review, we conclude that the district court, after resolving conflicting testimony and assessing witness credibility, did not err returning one CD that had been seized by the government to Jackson, in finding that the remaining CDs and certain paperwork had

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

been lawfully returned to the grandmother of the lessee of the vehicle, and in finding insufficient evidence that the government seized a particular duffle bag. See Jackson v. United States, 526 F.3d 394, 396 (8th Cir. 2008) (on appeal from Rule 41(g) proceeding after bench trial, appellate court reviews district court's legal conclusions de novo and its findings of fact for clear error); Richardson v. Sugg, 448 F.3d 1046, 1052 (8th Cir. 2006) (due regard is given to district court's judgment of witness credibility, and choice between two permissible views of evidence is not clearly erroneous). Finding no merit to Jackson's other arguments, we affirm. See 8th Cir. R. 47B.
