

United States Court of Appeals
For the Eighth Circuit

No. 17-2194

United States of America

Plaintiff - Appellee

v.

David Byron Thompson

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Harrison

Submitted: November 27, 2017

Filed: December 1, 2017

[Unpublished]

Before SHEPHERD, MURPHY, and KELLY, Circuit Judges.

PER CURIAM.

Federal prisoner David Thompson appeals after the district court¹ denied his Federal Rule of Criminal Procedure 41(g) motion seeking the return of property.

¹The Honorable P. K. Holmes, III, Chief Judge for the United States District Court for the Western District of Arkansas.

After careful review of the record, we conclude that Thompson's Rule 41(g) motion-- which he concedes sought the same property as he requested in a prior Rule 41(g) motion--was barred by res judicata. See Rutherford v. Kessel, 560 F.3d 874, 877 (8th Cir. 2009) (elements of res judicata); Followell v. United States, 532 F.3d 707, 708 (8th Cir. 2008) (res judicata precludes relitigation of claim on grounds that were raised or could have been raised in prior action). Accordingly, we affirm. See 8th Cir. R. 47B.
