

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 23 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MIGUEL ANGEL LAVENANT,

Defendant-Appellant.

Nos. 15-50307
15-50501

D.C. No. 3:12-mj-01645-WVG-
LAB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

In these consolidated appeals, Miguel Angel Lavenant appeals pro se from two district court orders. In Appeal No. 15-50307, we affirm. In Appeal No. 15-50501, we dismiss.

In Appeal No. 15-50307, Lavenant appeals the district court's order

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

rejecting for filing his Federal Rule of Criminal Procedure 41(g) motion for return of property. The district court did not abuse its discretion by rejecting the motion for failing to comply in several respects with the Southern District of California's Local Rules. *See United States v. Heller*, 551 F.3d 1108, 1111 (9th Cir. 2009) (only in rare cases will this court question the district court's exercise of discretion in applying local rules). Lavenant's arguments concerning the merits of his motion are, therefore, not properly before this court.

In Appeal No. 15-50501, Lavenant appeals the district court's order denying his appeal of the magistrate's order rejecting his motion to quash an indictment in the District of Delaware. As the government contends, we lack jurisdiction to review the propriety of an indictment issued in the District of Delaware. *See* 28 U.S.C. § 1294. Accordingly, we grant the government's motion to dismiss this appeal.

Appeal No. 15-50307: AFFIRMED; Appeal No. 15-50501: DISMISSED.