

United States Court of Appeals
For the Eighth Circuit

No. 13-2340

United States of America,

Plaintiff - Appellee,

v.

Edward Frank Brewer,

Defendant - Appellant.

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: February 18, 2014

Filed: March 3, 2014

[Unpublished]

Before LOKEN, BYE, and COLLOTON, Circuit Judges.

PER CURIAM.

Edward Brewer appeals the district court's¹ denials of his Federal Rule of Criminal Procedure 41(g) motion for return of property, his subsequent Federal Rule

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

of Civil Procedure Rule 59(e) motion, and his related requests for discovery and for an evidentiary hearing.

In denying Brewer's Rule 41(g) motion, the district court affirmed its finding, in Brewer's criminal proceedings, that the currency Brewer wanted returned to him was prerecorded money that law enforcement had used to make an undercover drug purchase from Brewer. See R. Doc. 287; R. Doc. 258 ¶ 29. The district court thus concluded that Brewer had no legal entitlement to the money. We find no error in these conclusions. We also conclude that the district court did not abuse its discretion by denying Brewer's Rule 59(e) motion, or in denying Brewer's discovery motion, and that Brewer was not entitled to an evidentiary hearing on his Rule 41(g) motion. See United States v. Felici, 208 F.3d 667, 670 (8th Cir. 2000) (district court need not hold evidentiary hearing when it is apparent that person seeking return of property is not lawfully entitled to own or possess property).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Brewer's pending motions.
