

United States Court of Appeals  
For the Eighth Circuit

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No. 13-2648

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United States of America

*Plaintiff - Appellee*

v.

James Edward Thornberg

*Defendant - Appellant*

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Appeal from United States District Court  
for the District of South Dakota - Pierre

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Submitted: February 28, 2014

Filed: March 5, 2014

[Unpublished]

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Before BENTON, BOWMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

James Thornberg appeals the district court's<sup>1</sup> denial of his motion for the return of property under Fed. R. Crim. P. 41(g). He argues that the district court improperly

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<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

denied his Rule 41(g) motion seeking the return of his work samples and insurance documents because this material allegedly could not be derivative contraband when he had never used any of it as part of a crime.

Upon careful review, we conclude that the government established a legitimate reason to retain copies of Thornberg's work samples and insurance documents because this material is derivative contraband. See Jackson v. United States, 526 F.3d 394, 396-97 (8th Cir. 2008) (after Rule 41(g) movant establishes lawful entitlement to property, government must then establish legitimate reason to retain property); cf. United States v. Felici, 208 F.3d 667, 670-71 (8th Cir. 2000) (explaining derivative contraband).

We thus affirm under 8th Cir. R. 47B.

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