

United States Court of Appeals
For the Eighth Circuit

No. 13-2851

United States of America

Plaintiff - Appellee

v.

Michael Goodale

Defendant - Appellant

No. 13-3150

United States of America

Plaintiff - Appellee

v.

Michael Goodale

Defendant - Appellant

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

Submitted: March 7, 2014
Filed: March 12, 2014
[Unpublished]

Before WOLLMAN, MURPHY, and SMITH, Circuit Judges.

PER CURIAM.

Michael Goodale was convicted of sexual abuse and child pornography charges, and was sentenced to life in prison. This court affirmed his conviction and sentence on direct appeal. See United States v. Goodale, 738 F.3d 917 (8th Cir. 2013). While his direct appeal was pending, Goodale filed three motions in the district court seeking return of his seized laptop computer under Fed. R. Crim. P. 41(g), discovery and Jencks Act material from the government, his client file and other items related to his case from his former trial counsel, and an order that the warden of his prison facility release mail to him.

We affirm the district court's¹ denial of Goodale's Rule 41(g) motion. See Jackson v. United States, 526 F.3d 394, 396-97 (8th Cir. 2008) (Rule 41(g) motion is properly denied if property is contraband or subject to forfeiture, or government's need for property as evidence continues).

We lack jurisdiction to review the magistrate judge's² denial of the remaining motions, as Goodale did not seek review of the ruling in the district court. See 28

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

²The Honorable Jon Stuart Scoles, United States Magistrate Judge for the Northern District of Iowa.

U.S.C. § 636(b)(3); LeGear v. Thalacker, 46 F.3d 36, 37 (8th Cir. 1995) (per curiam) (magistrate decision issued pursuant to § 636(b)(3) is not final order, and initial review rests with district court); see also Dieser v. Cont'l Cas. Co., 440 F.3d 920, 923 (8th Cir. 2006) (court will raise jurisdictional issues sua sponte when there is indication jurisdiction is lacking).

Accordingly, the judgment in Appeal No. 13-2851 is affirmed, and Appeal No. 13-3150 is dismissed for lack of jurisdiction.
