

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 14 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

2015 CHEVROLET SILVERADO,  
VEHICLE ID NO. 3GCPCREC4FG173943,  
CA, License Plate 68914H2,

Defendant,

v.

ANASTASIA PURNELL,

Movant-Appellant.

No. 19-10305

D.C. No.

1:18-sw-00308-LJO-BAM-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Lawrence J. O'Neill, District Judge, Presiding

Submitted May 6, 2020\*\*

Before: BERZON, N.R. SMITH, and MILLER, Circuit Judges.

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\* 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).

Anastasia Purnell appeals pro se from the district court's order denying her motion under Federal Rule of Criminal Procedure 41(g) seeking return of a 2015 Chevrolet Silverado seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Because there are no criminal proceedings pending against Purnell, Rule 41 has no application here. *See Ramsden v. United States*, 2 F.3d 322, 324 (9th Cir. 1993). However, the district court had discretion to exercise equitable jurisdiction over Purnell's motion. *See id.* The court did not abuse its discretion by declining to exercise such jurisdiction because Purnell failed to challenge the forfeiture under 18 U.S.C. § 983(e). *See Okafor v. United States*, 846 F.3d 337, 339 (9th Cir. 2017) (§ 983(e) provides the remedy for setting aside a declaration of forfeiture); *Ramsden*, 2 F.3d at 325 (listing factors that govern district court's exercise of equitable jurisdiction, including whether the movant has an adequate remedy at law).

The parties' requests for judicial notice are granted.

**AFFIRMED.**