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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

IN THE MATTER OF THE DETENTION  
AND SEIZURE OF IPHONE AND  
DOCUMENTS

Case No. 1:17-mc-00019-SKO

**ORDER TRANSFERRING CASE AND  
DIRECTING CLERK TO CLOSE CASE**

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On March 30, 2017, the movant, Myron F. Smith, filed a Motion to Return Property pursuant to Federal Rule of Criminal Procedure 41(g) (the “Motion”). (Doc. 1.) Rule 41(g) states that such a motion “must be filed in the district where the property was seized.” In other words, venue is only proper under Rule 41(g) in the district where the items at issue were seized. *See, e.g., Islamic Am. Relief Agency v. Unidentified FBI Agents*, 394 F. Supp. 2d 34, 48 n.14 (D.D.C. 2005) (“Under the current version of [Rule 41(g)], a motion seeking return of property is only proper in the district where the property was seized.”).

Here, the movant states in the Motion that the materials that are the subject of the Motion were seized by customs officials at the Los Angeles International Airport. (Doc. 1 at 1–2.) As such, the only appropriate venue for the Motion is the district that encompasses the Los Angeles International Airport—namely, the United States District Court for the Central District of California. The Court therefore finds that this District is not the proper venue for the Motion and this case is appropriately transferred to the United States District Court for the Central District of

1 California. *See, e.g.*, 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case  
2 laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice,  
3 transfer such case to any district or division in which it could have been brought.”); *Elford v.*  
4 *United States*, 161 F. App’x 150, 151 (2d Cir. 2006) (transferring the case under 28 U.S.C. §  
5 1406(a) . . . to . . . the court in which venue is proper pursuant to” Federal Rule of Criminal  
6 Procedure 41(g)).

7           Accordingly, the Court TRANSFERS this case to the United States District Court for the  
8 Central District of California. As the Court transfers this case, it VACATES the hearing regarding  
9 the Motion currently scheduled for May 31, 2017. Finally, the Court DIRECTS the Clerk to close  
10 this action.

11 IT IS SO ORDERED.

12 Dated: May 25, 2017

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE