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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EDUARD YURIEVICH
KHUDAINATOV, et al.,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No.: 3:23-cv-01946-W-SBC

**ORDER DENYING MOTION FOR
RETURN OF PROPERTY [Doc. 1]
AND DISMISSING CASE**

On or about October 22, 2023, Petitioners initiated this case by filing a Motion for Return of Seized Property Pursuant to Federal Rule of Criminal Procedure 41(g) (“Rule 41(g)”). (“Motion,” [Doc. 1].) On October 30, 2023, the United States (“Respondent”) filed its response in opposition to the Motion (“Opposition,” [Doc. 8]) requesting the Court deny the Motion and dismiss this Case. Pursuant to the Court’s previous order (“Scheduling Order,” [Doc. 11]), Petitioners filed their reply (“Reply,” [Doc. 12]) to Respondent’s Opposition on November 6, 2023.

1 The Court decides the matter on the papers submitted and without oral argument.
2 See Civ. L.R. 7.1(d)(1). For the reasons stated below, the Court **DENIES** the Motion and
3 **ORDERS** this case **DISMISSED**.

4
5 **I. BACKGROUND**

6 As alleged, in April of 2022, the Fijian authorities seized the luxury superyacht
7 *Amadea* in Fiji at the request of the United States. (*Motion* at 25¹.) The seizure was
8 executed pursuant to a warrant (“Warrant”) issued by U.S. Magistrate Judge G. Michael
9 Harvey of the United States District Court for the District of Columbia. (*Motion* at 25.)
10 The application for the Warrant was supported by the affidavit of Federal Bureau of
11 Investigation Special Agent Timothy Bergen—which stated that the *Amadea* was
12 beneficially owned by sanctioned Russian billionaire Suleiman Kerimov and that Mr.
13 Kerimov had committed numerous violations of United States sanctions laws.² (*Motion*
14 at 23-25; see *Opposition* at 3.) After its seizure, Fijian authorities turned the *Amadea*
15 over to the United States and who thereafter transported it to San Diego, California—
16 where it has remained ever since. (*Motion* at 25.)

17 On or about October 22, 2023, Petitioners initiated this case by filing a Motion for
18 Return of Seized Property Pursuant to Federal Rule of Criminal Procedure 41(g). In the
19 Motion, Petitioners argue that they are the true owners of the *Amadea*, not Mr. Kerimov.
20 (*Motion* at 11-12.) And thus, because they are not sanctioned individuals and have not
21 engaged in any unlawful activity, Petitioners argue that the *Amadea* must be returned to
22 them. (*Motion* at 12.) On the other hand, the United States asserts that Petitioners are
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26 ¹ Since Respondent’s *Opposition* does not contain page numbers in its footer, all citations to filings in
27 this order are to the ECF page numbers.

28 ² Petitioners have not provided the Court with a copy of the Warrant, the application for the Warrant, or
Special Agent Bergen’s affidavit. Accordingly, for purposes of this Order, the Court relies entirely on
the Motion’s allegations regarding the content of the Warrant and its supporting documents.

1 merely “straw owner[s]” of the *Amadea* who hold it on behalf of Mr. Kerimov. (*Motion*
2 at 23-24; *see Opposition* at 3.)

3 According to Respondent, the parties entered into a formal litigation “standstill”
4 after the initial seizure of the *Amadea*, whereby the parties agreed they would not file any
5 actions regarding the *Amadea* until October 23, 2023. (*Opposition* at 3.) Respondent
6 asserts it informed Petitioners on October 20, 2023 that it would be “imminently” filing a
7 civil forfeiture action against the *Amadea*. (*Opposition* at 3.) Accordingly, October 23,
8 2023 (the day the litigation standstill expired), the United States filed a civil forfeiture
9 action against the *Amadea* in the United States District Court for the Southern District of
10 New York (the “Civil Forfeiture Action”).³ However—according to Respondent—
11 Petitioners tried to beat the United States to the punch by filing the present Motion in the
12 Southern District of California at approximately 9:05 p.m. PDT on Sunday, October 22,
13 2023. (*Opposition* at 3-4.)

14 Subsequently, Respondent filed its Opposition to the Motion in this case, arguing
15 that: (1) the pending Civil Forfeiture Action divests this Court of jurisdiction; (2) that
16 venue is improper in the Southern District of California; and (3) that the Motion fails the
17 required *Ramsden* factors—thus depriving the Court of equitable jurisdiction.
18 (*Opposition* 4-10.)

19

20 **II. LEGAL STANDARD**

21 When a Federal Rule of Criminal Procedure 41(g) motion is filed outside of an
22 existing criminal case, it is to be treated like a civil complaint seeking equitable relief
23 governed by the Federal Rules of Civil Procedure. *E.g.*, *United States v. Ibrahim*, 522
24 F.3d 1003, 1007 (9th Cir. 2008) (“Because there were no criminal proceedings pending at
25 the time of filing, the district court properly treated the motion as a civil complaint
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27
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³ *United States v. M/Y Amadea*, 23-cv-9304 (S.D.N.Y. Oct. 23, 2023).

1 governed by the Federal Rules of Civil Procedure.”); *United States v. Ritchie*, 342 F.3d
2 903, 906–07 (9th Cir. 2003) (“If a [Rule 41(g)] motion is filed when no criminal
3 proceeding is pending, the motion is treated as a civil complaint seeking equitable
4 relief.”). In turn, courts are to treat the government’s oppositions to such motions as
5 motions to dismiss under Federal Rule of Civil Procedure 12(b). *Ibrahim*, 522 F.3d at
6 1008. If a court cannot dismiss the Rule 41(g) motion on the pleadings alone, it is to
7 convert the government’s opposition into a motion for summary judgment. *Id.* If the
8 government still cannot prevail in dismissing the case under the summary judgment
9 standard, “the court should go forward with additional proceedings consistent with the
10 Federal Rules of Civil Procedure.” *Id.*

11 Seeing as Respondent’s Opposition asserts that this case should be dismissed
12 because: (1) the pending Civil Forfeiture Action divests this Court of jurisdiction; (2)
13 venue is improper in the Southern District of California; and (3) the Court lacks equitable
14 jurisdiction over this case because the Motion fails the required *Ramsden* factors
15 (*Opposition* at 3-4)—the Court treats the Opposition as a motion to dismiss for lack of
16 subject matter jurisdiction and improper venue. In deciding whether it has subject matter
17 jurisdiction over this case and whether venue is proper in the Southern District of
18 California, the Court must accept Petitioners’ allegations as true and draw all reasonable
19 inferences in their favor. *United States v. Sperow*, 2018 WL 6174706, at *3 (C.D. Cal.
20 Oct. 18, 2018) (citing *Doe v. United States*, 419 F.3d 1058, 1062 (9th Cir. 2005)).

21 However, Federal Rule of Evidence 201 (“Rule 201”) permits a court to take
22 judicial notice of an adjudicative fact if it is “not subject to reasonable dispute.” Fed. R.
23 Evid. 201(b). A fact is “not subject to reasonable dispute” if it is “generally known,” or
24 “can be accurately and readily determined from sources whose accuracy cannot
25 reasonably be questioned.” Fed. R. Evid. 201(b)(1)-(2). Under this rule, a court may
26 “take judicial notice of matters of public record without converting a motion to dismiss
27 into a motion for summary judgment,” but it “cannot take judicial notice of disputed facts
28 contained in such public records.” *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988,

1 999 (9th Cir. 2018). Under Rule 201, judicial notice of documents filed in other court
2 proceedings is appropriate. *See NuCal Food, Inc. v. Quality Egg LLC*, 887 F.Supp.2d
3 977, 984 (E.D. Cal. 2012) (“Courts have consistently held that courts may take judicial
4 notice of documents filed in other court proceedings.”). Accordingly, the Court takes
5 judicial notice of the existence of the Civil Forfeiture Action regarding the *Amadea*
6 currently pending in the United States District Court for the Southern District of New
7 York.

8 9 **III. DISCUSSION**

10 11 **A. The Pending Civil Forfeiture Action Deprives This Court Of** 12 **Jurisdiction**

13 Federal Rule of Criminal Procedure 41(g) states that a “person aggrieved by an
14 unlawful search and seizure of property or by the deprivation of property may move for
15 the property’s return.” As noted above, while Rule 41(g) motions are typically filed
16 within existing criminal cases, parties may file a standalone case for the return of seized
17 property under Rule 41(g) when there is no criminal case pending and courts are to treat
18 such motions as civil complaints seeking equitable relief. *Ibrahim*, 522 F.3d 1003, 1007;
19 *Ritchie*, 342 F.3d at 906-07. The reason courts allow Rule 41(g) motions to be fashioned
20 into an equitable civil remedy in such circumstances is that when the government seizes
21 property but thereafter declines to bring criminal charges, the owner of the seized
22 property has no other adequate remedy to force the government to return the property.
23 *See United States v. U.S. Currency \$83,310.78*, 851 F.2d 1231, 1234-35 (9th Cir. 1988).

24 The problem for Petitioners is that Ninth Circuit precedent is clear that once the
25 government initiates a civil forfeiture action regarding the seized property at issue, the
26 owners (or in this case, alleged owners) of the seized property suddenly have an adequate
27 remedy to force the return of the property and court hearing the Rule 41(g) civil case
28 loses jurisdiction. *U.S. Currency \$83,310.78*, 851 F.2d at 1234-35 (holding that there is

1 no need to exercise equitable jurisdiction over [Rule 41(g) motion] when civil forfeiture
2 proceedings are subsequently initiated because once “a civil forfeiture proceeding is
3 pending, there is no need to fashion an equitable remedy to secure justice for the
4 claimant”); *United States v. Bluitt*, 815 F. Supp. 1314, 1316-17 (N.D. Cal. 1992) (“If [the
5 civil forfeiture proceeding] offers an adequate legal remedy, it is irrelevant that
6 [claimant] first sought the equitable jurisdiction of this Court. As soon as [an] adequate
7 remedy at law becomes available, this Court ceases to have equitable jurisdiction [over
8 the Rule 41(g) motion].”); *In re Chandler*, 270 F.R.D. 576, 578 (S.D. Cal. 2010)
9 (denying Rule 41(g) motions because the “forfeiture proceedings initiated by the
10 government provide [claimants] with an adequate remedy at law” even where “[t]he
11 government initiated the . . . forfeiture proceedings . . . after the instant [Rule 41(g)]
12 motions were filed.”); *In re Return of Seized Prop. specifically all funds seized from*
13 *BoundlessRise, LLC Wells Fargo Bank Acct. No. 'XXXX*, 2017 WL 4180149, at *1 (C.D.
14 Cal. Aug. 30, 2017) (“[I]f a related civil forfeiture proceeding is filed—either before or
15 after the Rule 41(g) motion was brought—the court no longer has jurisdiction to entertain
16 the Rule 41(g) motion.”); *In re Seizure of One Blue Nissan Skyline Auto.*, 2009 WL
17 3488675, at *1 (C.D. Cal. Oct. 21, 2009) (“[A] Rule 41(g) motion is properly denied
18 once a civil forfeiture action has been filed.”).

19 Here, there is indeed a civil forfeiture action pending regarding the *Amadea*—the
20 Civil Forfeiture Action in the Southern District of New York. In fact, this case is exactly
21 like the Ninth Circuit case *U.S. Currency \$83,310.78*, in that petitioners filed their Rule
22 41(g) Motion just one day before the United States filed the Civil Forfeiture Action. *U.S.*
23 *Currency \$83,310.78*, 851 F.2d at 1233. The existence of the Civil Forfeiture Action
24 divests the Court of subject matter jurisdiction over this case because Petitioners now
25 have an adequate remedy to seek the *Amadea*’s release: intervening in the Civil
26 Forfeiture Action. A remedy Petitioners acknowledge they plan to pursue. (*Reply* at 8
27 [“Petitioners intend to file a claim in the forfeiture matter in New York”].)
28

1 Petitioners argue that the Civil Forfeiture Action does not actually provide them
2 with an adequate remedy because “that action is likely to be dismissed or transferred . . .
3 .” (*Reply* at 6.) From there, Petitioners cite several cases purporting to show why they
4 believe the Civil Forfeiture Action will be dismissed—including that venue is supposedly
5 improper in the Southern District of New York. (*Reply* at 6-8.) The Court will not
6 entertain these arguments. The issues Petitioners raise in their Reply are for the court in
7 the Civil Forfeiture Action alone to decide and Ninth Circuit authority is clear that a civil
8 forfeiture action divests other courts of jurisdiction to hear Rule 41(g) motions regarding
9 the property at issue in the forfeiture action.

10 Accordingly, the Court finds that the Civil Forfeiture Action divests this Court of
11 jurisdiction to hear the Motion.

12
13 **B. The Court Lacks Equitable Jurisdiction Over This Case Because**
14 **Petitioners Fail To Meet The *Ramsden* Factors**

15 Additionally, the Court has no jurisdiction over this case because, as alleged,
16 Petitioners fail to meet the *Ramsden* Factors—which both Petitioners and Respondent
17 agree must be met for jurisdiction to exist. (*Motion* at 13; *Opposition* at 6-7; *Reply* at 9-
18 10.)

19 Under *Ramsden v. United States*, courts should consider four factors when
20 deciding whether to exercise equitable jurisdiction over Rule 41(g) civil cases: “1)
21 whether the Government displayed a callous disregard for the constitutional rights of the
22 movant; 2) whether the movant has an individual interest in and need for the property he
23 wants returned; 3) whether the movant would be irreparably injured by denying return of
24 the property; and 4) whether the movant has an adequate remedy at law for the redress of
25 his grievance.” 2 F.3d 322, 325 (9th Cir. 1993). Typically, courts require petitioners to
26 satisfy *at least* three of the four *Ramsden* factors before exercising equitable jurisdiction
27 over Rule 41(g) civil cases. *See In re Prop. Seized from 1015 E. Cliff Drive, Santa Cruz*
28

1 CA 95062 on May 14, 2008, 2013 WL 5568300, at *3 (N.D. Cal. Oct. 9, 2013) (citing
2 *Ramsden*, 2 F.3d at 326.)

3
4 **i. As Alleged, The Government Has Not Displayed A Callous Disregard**
5 **For Petitioners’ Constitutional Rights**

6 Petitioners assert that they meet the first *Ramsden* factor, because they allege that
7 the government callously disregarded their constitutional rights by obtaining the Warrant
8 via a “false and misleading” affidavit. (*Motion* at 29; *Reply* at 10.)

9 Without delving into the validity of Special Agent Bergen’s affidavit in support of
10 the Warrant, the Court notes that Petitioners’ arguments about relevance of Special Agent
11 Bergen’s affidavit to this factor appear misplaced. *See Matter of Search Warrant*
12 *Executed*, 2020 WL 5921796, at *3 (C.D. Cal. June 2, 2020) (“As to the first *Ramsden*
13 factor, Flaherty offers no argument that the government seizure in and of itself
14 constituted a callous disregard for his constitutional rights. Indeed, the search and seizure
15 was conducted pursuant to a duly authorized federal search warrant issued upon a
16 showing of probable cause.”); *Matter of Search of Specialty Fulfillment Ctr.*, 2018 WL
17 785861, at *5 (D. Idaho Feb. 8, 2018) (citations omitted) (“The Government followed
18 proper procedure, obtained a warrant, and executed the warrant approved by the
19 Magistrate Judge. In contrast, the court in *Ramsden* found against the government
20 because no warrant was obtained. Clearly, the conduct of the Government here does not
21 rise to the level of callous disregard for Nordic’s Fourth Amendment rights.”).

22 Here, the United States does not appear to have displayed a “callous disregard” for
23 Petitioners’ rights because, like in *Matter of Search Warrant Executed* and *Matter of*
24 *Search of Specialty Fulfillment Ctr.*, Petitioners allege the Warrant to seize the *Amadea*
25 was duly issued by U.S. Magistrate Judge G. Michael Harvey of the United States
26 District Court for the District of Columbia upon his finding of probable cause. (*Motion* at
27 25.) Petitioners attempt to distinguish *Matter of Search Warrant Executed* and *Matter of*
28 *Search of Specialty Fulfillment Ctr.* by noting that neither case involved accusations that

1 the government obtained the warrants pursuant to a “false” affidavit. (*Reply* at 10.)
2 While this may be true, Petitioner’s cite no Ninth Circuit authority supporting the
3 importance of this distinction. (*See Motion* at 31-32; *Reply* at 10.) Accordingly, the first
4 *Ramsden* factor does not weigh in favor of the Court exercising equitable jurisdiction
5 over this case.

6
7 **ii. Petitioner’s Do Allege That They Have An Individual Interest In**
8 **And Need For The *Amadea***

9 Next, Petitioners argue that they meet the second *Ramsden* factor (that they have
10 an indivial interest in and need for the property at issue) because they are the true owners
11 of the *Amadea*. (*Motion* at 41-42; *Reply* at 10.) While Respondent obviously contests
12 whether Petitioners are the true owners of the *Amadea* (*Opposition* at 8-9), at this stage
13 the Court must accept Petitioners’ allegations as true. Without weighing in on the merits
14 of Petitioners’ allegations, the Court simply notes that they do allege an indivial interest
15 in and need for the *Amadea*. (*Motion* at 41-42 [“Mr. Khudainatov’s interest in the
16 property is clear: he is and always has been the [ultimate beneficial owner] of the
17 *Amadea*, which is owned by his company Millemarin.”].)

18
19 **iii. Petitioners Have Not Alleged Irreparable Injury**

20 Petitioners further argue that they meet the third *Ramsden* factor (that they will
21 suffer an irreparable injury if the *Amadea* is not returned to them) because they allege
22 that the *Amadea* “has likely not been properly maintained at the levels an owner would
23 maintain it, while it has been in U.S. custody.” (*Motion* at 43.) While the Court at this
24 stage must accept Petitioners’ allegations as true and draw all reasonable inferences in
25 their favor, the Court need not accept as true “allegations that are merely conclusory,
26 unwarranted deductions of fact, or unreasonable inferences.” *In re Gilead Scis. Sec.*
27 *Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008). Here, Petitioners’ conclusory allegations that
28 the United States has “likely” not maintained the *Amadea* properly are insufficient to

1 meet the third *Ramsden* factor. As such, the third *Ramsden* factor does not weigh in
2 favor of the Court exercising equitable jurisdiction in this case.

3
4 **iv. The Civil Forfeiture Action Is An Adequate Remedy At Law**

5 Finally, Petitioners argue that they meet the fourth *Ramsden* factor (that there is no
6 adequate remedy at law) because “[since] there has been no civil forfeiture proceeding or
7 criminal indictment filed . . . Petitioners have no legal means for seeking the return of the
8 *Amadea* other than through this motion.” (*Motion* at 43.) Of course, the Civil Forfeiture
9 Action now exists, thus (by Petitioners’ own reasoning) providing Petitioners with an
10 adequate remedy at law.

11 Realizing this, Petitioners assert in their Reply that the Civil Forfeiture Action does
12 not provide them with an adequate remedy at law because it will be dismissed or
13 transferred. (*Reply* at 9-10.) As outlined above, the Court will not entertain these
14 arguments given that they are for the court in the Civil Forfeiture Action to decide.
15 Accordingly, the Court finds once again that Petitioners have an adequate remedy at law:
16 the Civil Forfeiture Action.

17 Thus, the Court lacks jurisdiction to hear this case because Petitioners have failed
18 to satisfy the necessary *Ramsden* factors.

19
20 **C. The Court Will Not Exercise Its “Inherent Power” To Stay The**
21 **Proceeding**

22 As an alternative to their arguments regarding whether the Court has jurisdiction to
23 hear this case, Petitioners ask the Court to stay this case while it brings a “motion to
24 dismiss and/or transfer” in the Civil Forfeiture Action. (*Reply* at 11.) The idea being that
25 if Petitioners are successful in dismissing the Civil Forfeiture Action, they will once
26 again lack an adequate remedy to seek the *Amadea*’s release. (*Id.*)

27 Indeed, district courts have “an inherent power to stay proceedings in order ‘to
28 control the disposition of the causes on its docket with economy of time and effort for

1 itself, for counsel, and for litigants” and “[a] stay may be granted pending the outcome
2 of other legal proceedings related to the case in the interests of judicial economy.” *In re*
3 *Morning Song Bird Food Litig.*, 320 F.R.D. 540, 545 (S.D. Cal. 2017) (quoting *Landis v.*
4 *North Am. Co.*, 299 U.S. 248, 254-55 (1936)) (citing *Leyva v. Certified Grocers of Cal.,*
5 *Ltd.*, 593 F.2d 857, 863-64 (9th Cir. 1979)). When deciding whether to grant a requested
6 stay, the Court must “weigh competing interests and maintain an even balance.” *Id.*
7 (quoting *Landis*, 299 U.S. at 254-55). Some of these “competing interests” include “the
8 possible damage which may result from the granting of a stay, the hardship or inequity
9 which a party may suffer in being required to go forward, and the orderly course of
10 justice measured in terms of the simplifying or complicating of issues, proof, and
11 questions of law which could be expected to result from a stay.” *Id.* (quoting *CMAX, Inc.*
12 *v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

13 Here, the Court will not exercise its “inherent power” to stay the proceeding
14 because the relevant competing interests weigh against issuing a stay. While Petitioners
15 are correct that there does not appear to be a risk of damage to Respondent from the
16 issuance of a stay, the remaining relevant interests are either neutral or strongly disfavor a
17 stay. To wit, Petitioners argue that Respondent would not suffer any hardship or inequity
18 from a stay because the United States “obviously has nationwide resources.” (*Reply* at
19 7.) However, by this same logic Petitioners—who claim to own “over \$1 billion in
20 megayachts alone” (*Motion* at 14)—would also suffer little hardship or inequity by a stay
21 not being entered. As such, this interest is neutral at best regarding whether to issue a
22 stay. Most importantly, the “orderly course of justice” interest weighs heavily against a
23 stay, and it is telling that Petitioners fail raise any arguments about how the “orderly
24 course of justice” would be served by issuing a stay. (*See Reply* at 11.) Indeed, the Court
25 is concerned about Petitioners’ apparent gamesmanship in rushing to file this case mere
26 hours before the United States could file the Civil Forfeiture Action and before the
27 parties’ formal litigation standstill expired. (*See Opposition* at 3-4.) For the sake of
28 judicial economy, the litigation regarding the fate of the *Amadea* should be consolidated

1 before one court. Entering a stay here instead of simply dismissing this case in favor of
2 the Civil Forfeiture Action would serve only to complicate the *Amadea*'s fate, burden
3 judicial economy, and assist Petitioners in their apparent gamesmanship.

4 Additionally, even if the Civil Forfeiture Action were to be dismissed (thereby
5 leaving Petitioners with no adequate regarding the *Amadea*), they would still only satisfy
6 two of the four *Ramsden* factors and, as explained below, venue would still be improper
7 in the Southern District of California.

8 Accordingly, the Court does not find it appropriate to stay this case.
9

10 **D. Venue Is Improper In The Southern District Of California**

11 Rule 41(g) states that a motion to return seized property “must be filed in the
12 district where the property was seized.” Here, the property was not seized in the
13 Southern District of California, so venue is plainly improper. (*See Motion* at 18-19.)
14 However, since the property was seized in Fiji, venue would not appear to be proper in
15 any district. (*See id.*) While it would seem absurd for venue to be improper in any
16 district⁴, the Court need not reach such issue given that civil forfeiture actions may be
17 brought in a district where “any of the acts or omissions giving rise to the forfeiture
18 occurred” and the United States has alleged in the Civil Forfeiture Action that “prohibited
19 payments for the *Amadea*'s upkeep transmitted through” the Southern District of New
20 York. (*See Opposition* at 10 n.6.) And even if that Civil Forfeiture Action was not
21 pending, the United States District Courts for the District of Columbia (where the
22 Warrant was issued) and the Southern District of New York (where the United States
23 alleges the acts or omissions giving rise to the forfeiture occurred) have far more
24 substantial connections to the *Amadea*'s seizure than the Southern District of California
25

26
27 ⁴ Neither Petitioners nor Respondent have provided the Court with any direct authority regarding where
28 venue is proper (if anywhere) for a Rule 41(g) civil case when then property at issue was seized outside
of the United States.

1 (where the *Amadea* was merely brought after its seizure). See 18 U.S.C § 981(b)(3)
2 (“Any motion for the return of property seized under this section shall be *filed in the*
3 *district court in which the seizure warrant was issued* or in the district court for the
4 district in which the property was seized.”) (emphasis added).

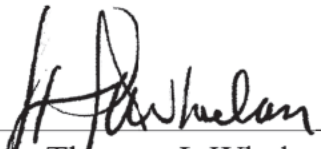
5 Accordingly, the Court also finds that the United States District Court for the
6 Southern District of California is not the proper venue for the Motion.

7
8 **IV. CONCLUSION & ORDER**

9 For the foregoing reasons, the Court **DENIES** the Motion [Doc. 1] and **ORDERS**
10 this case **DISMISSED**.

11
12 **IT IS SO ORDERED.**

13 Dated: November 13, 2023

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17 Hon. Thomas J. Whelan
18 United States District Judge
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