

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RANDALL J. RILEY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 17-cv-01239-JPG

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

Randall J. Riley has filed a motion to return seized property pursuant to Federal Rule of Criminal Procedure 41(g). (Docs. 1, 2.) That rule allows a person to move for the return of their deprived property and instructs that “[t]he court must receive evidence on any factual issue necessary to decide the motion.” The Government has since filed a response indicating that the property in question was never in its possession, nor was it seized pursuant to Rule 41. (*See* Doc. 11.) Rather, state authorities obtained these items pursuant to a state warrant, and a state court has since ordered them released, with the exception of any firearms and stolen contraband. (Doc. 11-1.) Because this matter does not implicate Rule 41(g) or the United States, the Court **DISMISSES** this case and any pending motions therein for want of jurisdiction. The Court **DIRECTS** the Clerk of Court to close this case.

IT IS SO ORDERED.

DATED: MAY 2, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE