

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

XAVIER STANLEY EXUM, # 067360-007
Petitioner

v

UNITED STATES OF AMERICA
Respondent

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Civil Action No. DKC-15-591

MEMORANDUM

Pending is Xavier Stanley Exum’s Motion for Return of Property pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure, requesting the return of \$2,245 in U.S. currency. The government has filed an opposition in response to which Exum has filed a reply. (ECF Nos. 4, 6).

Exum is seeking the return of funds confiscated from him when he was arrested on January 25, 2013. (ECF No. 3). He avers the money belongs to his girlfriend Tyesha Mickel. *Id.* On June 1, 2015, the government filed an opposition, seeking denial of the motion on two grounds: 1) Exum lacks standing to bring a claim on behalf of Tyesha Mickel and 2) the property is not in federal custody.

A party requesting the return of property under Rule 41(g) must have standing to seek relief from the court. *See United States v. Matthews*, 917 F. Supp. 1090, 1105 (E.D. Va. 1996) (Rule 41(g) “demands evidence of a sufficient interest in any claimed property before the ‘case or controversy’ prong of Article III may be satisfied”). In his Reply, Exum appears to claim that because the money was confiscated from him by federal authorities, he has standing to request its return, even if the funds actually belong to Ms. Mickel. (ECF No. 6, p. 2). Exum, however, does not claim ownership interest in the property, and his personal relationship with Tyesha Mickel does not appear to satisfy the standing requirement. *Matthews*, 917 F. Supp. at 1104; *see also*

