

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Misc. Case No. 24-50695

JUSTIN FEILER,

Sean F. Cox

United States District Court Judge

Defendant.

/

ORDER
DENYING MOTION TO AMEND
AND CLOSING THIS MISCELLANEOUS CASE

On May 24, 2024, Defendant Justin Feiler (“Feiler”) initiated this Miscellaneous Case, related to Criminal Case No. 17-20755, by filing a request for the return of three specific items of personal property (certain identification cards and a cellular telephone). Feiler sought the return of those items under Federal Rule of Criminal Procedure 41(g).

Federal Rule of Criminal Procedure 41(g) provides that a “person aggrieved by an unlawful search and seizure of property or the deprivation of property may move for the property’s return.” “The general rule is that seized property, other than contraband, should be returned to the rightful owner after the criminal proceedings have terminated.” *United States v. Ford*, 2017 WL 6564065, at *1 (W.D. Ky. 2017) (quoting *Sovereign News Co. v. United States*, 690 F.2d 569, 577 (6th Cir. 1982)). “It, however, is subject to two caveats, (1) the individual seeking the property’s return must show a lawful right to it and (2) the property need not be returned when the government has a continuing interest in it.” *United States v. Abdul-Latif*, 2023 WL 8288265 at *15 (E.D. Tenn. 2023) (citations omitted).

Here, the Government responded to Feiler’s request for the return of property by

indicating that it was in the process of making arrangements to return those items to Defendant and that the motion is therefore moot.

Thereafter, Feiler filed a motion seeking leave to “supplement” his request for return of property, stating that there may have been more than a 160 personal property items seized in connection with the related criminal case. Feiler’s motion does not attach a proposed amended request that specifies or identifies any additional items of personal property that belong to him and that he seeks to have returned to him.

In response to Feiler’s motion seeking to amend his request for the return of personal property, the Government states that:

Upon a review of the Latin Counts Investigation Status Summary Reports for seized items that were mentioned in FEILER’s motion (Item #1-73, 78-109, 157, 158), except for item #70 (Narcotics), Item #108 (Ammunition), and Item #109 (Ammunition), the items that FEILER mentioned in his motion have no connection to FEILER and were from other defendants in the Latin Counts case.

The ATF reached out to defendant’s mother and has returned non-contraband items as were originally requested by FEILER. Defendant is not entitled to the return of property belonging to his codefendants. Therefore, currently, the motion/request appears to be moot and should be denied

(ECF No. 7).

Under these circumstances, the Court DENIES Feiler’s motion to amend. If there are specific items that were seized in connection with the related criminal case, that are not contraband and to which Feiler believes he has a lawful right to, Feiler may file a separate miscellaneous case identifying those items and seeking their return. This order closes this miscellaneous case.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 29, 2024